



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

"SHIRTSLEEVE" SESSION

Date: October 29, 2019

Time: 7:00 a.m.

*and via conference call:

1311 Midvale Road
Lodi, CA 95240
&
437 E. Elm Street
Lodi, CA 95240

For information regarding this Agenda please contact:

Jennifer M. Ferraiolo
City Clerk
Telephone: (209) 333-6702

Informal Informational Meeting

A. Roll Call by City Clerk

B. Topic(s)

B-1 Receive Presentation Regarding Lodi Jail by Police Department (PD)

B-2 Review Proposed City Council Protocol Manual Amendments and New
"Commissioner's Handbook: A Guide for Community Volunteers" (CLK)

C. Comments by Public on Non-Agenda Items

D. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Jennifer M. Ferraiolo
City Clerk

All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 72 hours prior to the meeting date. Language interpreter requests must be received at least 72 hours in advance of the meeting to help ensure availability. Contact Jennifer M. Ferraiolo at (209) 333-6702. Solicitudes de interpretación de idiomas deben ser recibidas por lo menos con 72 horas de anticipación a la reunión para ayudar a asegurar la disponibilidad. Llame a Jennifer M. Ferraiolo (209) 333-6702.



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Presentation Regarding the Lodi Jail By The Police Department
MEETING DATE: October 29, 2019
PREPARED BY: Chief of Police

RECOMMENDED ACTION: Receive presentation regarding the Lodi Jail by the Police Department.

BACKGROUND INFORMATION: The Police Department is pleased to provide the City Council an overview of the Lodi Jail and the procedural statistics related to its operation.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Tod Patterson
Chief of Police

APPROVED: _____
Stephen Schwabauer, City Manager

LPD Jail Overview

July 1, 2018

Through

July 1, 2019

Jail Construction

- Jail Constructed in 2004
 - Cost- \$1,440,824
- Limit transport costs
- 72 hour hold potential
- Plan for future court

Budget

- LPD Jail Total Budget- \$660,411
 - Personnel
 - Salary- \$598,760- Jailers also work dispatch duties w/ jail duties
 - Overtime- \$17,398
 - Training- \$7,794
 - Misc. Expenses- \$55,083
 - Food, Medical supplies, Laundry, Janitorial Supplies, Computer access fees, blood draw expenses, arrestee toiletries
 - Revenue- \$18,625 –Advertising, collect phone calls
 - Cost Avoidance
 - Booking Fees- \$275,000
 - Officer Salary-\$225,000
- Net Cost of Jail Operations-\$141,786

Jail Operations

- Staffed 24/7 with 1 dispatcher/jailer
 - Duties
 - Booking, medical screening, fingerprinting and photographing, classification, property inventory
 - Medication dispensing
 - Meal service, visitation supervision
 - Release
 - Cell checks
 - Answer phone calls, lunch relief, other duties as assigned

Arrests

- Misdemeanor Arrests- 2,751
- Felony Arrests- 873
- Total Arrests- 3,624 = 10.17 arrests per day which include cites in the field and jail bookings
- 2,504 arrestees booked into the jail = 7.03 booked in the jail per day.
 - Arrestees spent 4,144 cumulative days in LPD jail

Officer Time

- Transport and booking time for one officer to and from county jail:
 - Drive time roundtrip – 1 hour
 - Booking time – 15-? minutes based on waiting time.
 - $2,504 \text{ arrests} \times 75 \text{ minutes} = 187,800 \text{ min.} = 3,130 \text{ officer hours}$
- DUI arrests- Blood draw done at jail by AMR. If no jail then officers transport to Lodi Memorial Hospital and have unknown wait times.

Misd. Citing in the field vs. transport to jail

- Leaves arrestee at scene of crime vs. removes them
- Positively identifying the arrestee via booking photo or fingerprints
- Helps deter crime
- Sobering Cell

Sheriff's Use

- House arrestees for court
- Don't charge us for booking fees
 - \$113/booking arrestee if over 3 yr. avg
- Transports our arrestees to their jail during daytime hours alleviating our officers from transporting them
- Takes our arrestees to court



CITY OF LODI

COUNCIL COMMUNICATION

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AGENDA TITLE: Review Proposed City Council Protocol Manual Amendments and New
"Commissioner's Handbook: A Guide for Community Volunteers"

MEETING DATE: October 29, 2019 (Shirtsleeve Session)

PREPARED BY: City Clerk

RECOMMENDED ACTION: Review proposed City Council Protocol Manual amendments and new
"Commissioner's Handbook: A Guide for Community Volunteers."

BACKGROUND INFORMATION: On March 15, 2006, in response to a project included in the
"City Manager's Work Plan" to create a comprehensive manual of
standard operating procedures and written principles to guide Council
action and direct staff in relationship to supporting Council, Resolution 2006-45 was adopted approving the
City Council Protocol Manual and giving the City Clerk authority to make administrative changes in order to
remain current with federal, state, and local law. Since that time, the Clerk's Office has periodically reviewed
the Manual to ensure the document is current, and Council has taken specific actions to update the Manual,
all of which are referenced in the table of amendments (Appendix). It has been over a decade, however, since
a complete overhaul of the Manual has been undertaken.

The redline version of the Manual (Exhibit A) includes:

- administrative changes;
- incorporation of and/or updates to current practices; and
- proposed changes to a number of sections in the Manual, including:
 - **Section 2.8.** Added *AB1234 Mandatory Ethics Training*
 - **Section 2.9.** Added *AB1661 Sexual Harassment Prevention Training*
 - **Section 5.** Updated *Commissions*
 - **Sections 6.3l & 6.4c.** Provided additional language on speaker time limits
 - **Section 6.3l.** Added policy on use of City computer and/or video equipment
 - **Section 6.3q.** Added language regarding Council resolutions
 - **Section 8.2.** Added language regarding Statements of Economic Interest

Also presented for information and comment is the "Commissioner's Handbook, A Guide for Community
Volunteers" (Exhibit B). The purpose of this document is to provide information on commissioners' roles,
norms, responsibilities, and relationships; meeting basics; and decorum in meetings. It also provides basic
level understanding of ethics and values, ethics training, rules of debate, Conflict of Interest, and the Brown
Act, as well as information on the City's mission statement, goals and priorities, organizational chart, and City
stats and historical information. This Guide will be an internal document that is maintained and updated by the
City Clerk's Office and will be provided to every board and commissioner upon appointment.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

JMF
Attachments

Jennifer M. Ferraiolo
City Clerk

APPROVED: _____
Stephen Schwabauer, City Manager



City Council Protocol Manual



Prepared by:

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APPENDIX: Reference Table of Amendments

EXHIBIT A: Chapter 2.04, "City Council Meetings"

EXHIBIT B: Resolution 2006-31 Establishing Rules for the Conduct of Meetings, Proceedings and Business

EXHIBIT C: Resolution 2004-115 Adopting City of Lodi Code of Ethics and Values

EXHIBIT D: Resolution 2009-146 Adopting Policy Regarding Legislative Invocations Before Meetings of the Lodi City Council

CITY COUNCIL PROTOCOL MANUAL

1. PURPOSE

The purpose of establishing the City Council Protocol Manual is to provide guidelines for the City Council to conduct its business in an orderly, consistent, and fair manner.

The protocols set forth herein are not intended to limit the inherent power and general legal authority of the City Council. Any of the protocols herein may be waived by a majority vote of the Council Members when it is deemed that there is good cause to do so based upon the particular facts and circumstances.

The protocols shall be amended by a majority vote of the Council Members and may be amended administratively by the City Clerk's Office in order to remain current with federal, state, and local law.

2. STATUTORY REQUIREMENTS/REGULATIONS

Certain state laws and other established regulations exist, which govern various responsibilities of the City Council. This protocol manual is not intended to duplicate, fully articulate all requirements, or repeal any existing statutes or regulations. City Council Members are responsible for becoming familiar with these statutes and regulations.

2.1 The Brown Act

The Ralph M. Brown Act provides that all meetings of a legislative body, whether meetings of the City Council or its appointed commissions and committees, shall be open and public and all persons shall be permitted to attend. Notices of such meetings must be made 72 hours prior to the meeting (or 24 hours in the case of a special meeting). A "meeting" takes place whenever a quorum is present and subject matter related to the City business is heard, discussed, or deliberated upon. Rules also exist to prevent efforts to thwart these requirements by using intermediaries or multiple conversations to achieve collective concurrence.

2.2 Political Reform Act

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. The Political Reform Act establishes regulations regarding conflicts of interests and campaign receipts and expenditures.

2.3 Lodi Municipal Code (LMC)

The Lodi Municipal Code consists of those codified ordinances of general municipal regulations and laws of the City of Lodi.

2.4 LMC Chapter 2.04 Relating to Council Meetings

LMC Chapter 2.04, "City Council Meetings," ~~(Exhibit A)~~, sets forth the Regular Meeting and Shirtsleeve Session dates, times, and location and further establishes rules for the conduct of City Council meetings. ~~(Attached as Exhibit A)~~

2.5 Rules of Conduct of Meetings, Proceedings, and Business (Res. 2006-31)

Resolution No. 2006-31 ~~(Exhibit B)~~, adopted by the Lodi City Council on February 15, 2006, establishes rules for the conduct of City Council meetings, proceedings, and business. ~~(Attached as Exhibit B)~~

2.6 City of Lodi Administrative Policy Manual

The Administrative Policy Manual consolidates all administrative policies and procedures of a general or inter-departmental nature into one document. Administrative regulations meet the following criteria: 1) are directed toward an ongoing City process or procedure; 2) are limited to one major subject area; and 3) are applicable to more than one City department. Administrative regulations are issued from the City Manager's Office.

2.7 Code of Ethics & Values (Res. 2004-115)

Resolution No. 2004-115 ~~(Exhibit C)~~, adopted by the Lodi City Council on June 2, 2004, sets forth the code of ethics and values for Lodi City Council Members and City Council appointees.

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Lodi has adopted this code of ethics and values to promote and maintain the highest standards of personal professional conduct in the City's government. ~~(Attached as Exhibit C)~~

2.8 AB1234 Mandatory Ethics Training

Government Code sections 53235 and 53235.1 state that, if a local agency provides compensation, salary, or a stipend to a member of a legislative body or reimbursement for expenses incurred by a member of a legislative body in the performance of official duties, then all local agency officials shall receive two-hour training in ethics. The City of Lodi provides a training opportunity in December of even-numbered years; the League of California Cities and other agencies offer training opportunities through conferences; and on-line training is available through sources such as the Fair Political Practices Commission and Institute of Local Government.

The City Council mandates that the following positions, commissions, and/or individuals are required to receive ethics training upon being hired or appointed and by December 31 of even-numbered years thereafter: City Council Members; City Council Appointees (i.e. City Manager, City Attorney, City Clerk); Executive Managers; and members of all boards and commissions (EXCEPTION: Greater Lodi Area Youth Commissioners ~ Student Appointees).

2.9 AB1661 Sexual Harassment Prevention Training

AB1661 (Government Code sections 53237-53237.5) requires local agency officials, including Council Members, to receive two hours of sexual harassment prevention training and education within the first six months of taking office and every two years thereafter if the agency provides any type of compensation, salary, or stipend to those officials. The City of Lodi may provide training opportunities periodically and the League of California Cities and other agencies offer training opportunities through conferences.

3. COUNCIL ORGANIZATION

3.1 Newly-Elected Members

Newly-elected Council Members are sworn into office generally at the first regular Council meeting in December following certification of the general a regular municipal election by the San Joaquin Registrar of Voters. Immediately upon election (even before being sworn into office), newly-elected Council Members are subject to the provisions of the Brown Act. Newly-elected Council Members shall not be allowed to attend closed sessions before being sworn into office.

3.2 Reorganization

Pursuant to Lodi Municipal Code Section 2.04.070, "Presiding officer—Mayor—Mayor Pro Tempore," the reorganization of the Council shall occur annually at the first regular Council meeting in December by electing a Mayor and Mayor Pro Tempore. On election years, the reorganization will occur at the regular Council meeting in December at which the San Joaquin Registrar of Voters' certification of the general municipal election happens.

A community reception honoring the incoming Mayor, outgoing Mayor, and Council Members is traditionally held immediately following the reorganization~~a~~ meeting.

3.3 Selection of Mayor and Mayor Pro Tempore

The term of office for the Mayor and Mayor Pro Tempore shall be one year. A majority vote of the Council is necessary to designate a Mayor and Mayor Pro Tempore. The election of the Mayor and Mayor Pro Tempore will take place as follows:

- City Clerk will conduct the election for the office of Mayor.
- Following the election, the City Clerk will turn over the gavel to the newly-elected Mayor, who will then conduct the election for the office of Mayor Pro Tempore.

The vote is taken in the order the nominations are made with the first individual receiving a majority vote being elected to the office of Mayor or Mayor Pro Tempore.

3.4 Duties of Mayor and Mayor Pro Tempore

The Mayor shall preside at the meetings of the Council. If he/she is absent or unable to act, the Mayor Pro Tempore shall serve until the Mayor returns or is able to act.

In the absence of the Mayor and Mayor Pro Tempore, the City Clerk shall call the Council to order, whereupon a temporary Chairperson shall be elected by the members of the Council present.

The Mayor meets with the City Manager, Deputy City Manager, City Attorney, and City Clerk one week prior to Council meetings to review the draft agenda.

(Refer to LMC Section 2.04.070, "Presiding officer—Mayor—Mayor Pro Tempore," LMC Section 2.04.080, "Call to order—Temporary chairman," and Res. 2006-31 for additional duties of Mayor and Mayor Pro Tempore.)

3.5 Seating Order

Following the Council reorganization, the City Clerk shall designate the seating order for the Council dais.

3.6 Representation at Ceremonial Functions

The Mayor shall represent the Council at ceremonial functions. The Mayor may, at his/her own discretion, ask another Council Member to represent the Council at the function.

Council Members shall be reimbursed for admission, meal expenses, and mileage to attend ceremonial functions, for which the Council Member was invited to represent the City, pursuant to the City of Lodi Travel ~~and Business Expense~~ Policy.

3.6a Issuance of Proclamations and Certificates, Presentation of Gifts, and Public Recognition

PROCLAMATIONS AND CERTIFICATES OF RECOGNITION OR APPRECIATION: All requests for proclamations and certificates are subject to approval by and prepared on behalf of the Mayor. Proclamations and certificates are signed by the Mayor, and are prepared in response to the type of recognition requested (which may include recognition of individuals, groups, and events of significance to the Lodi community). Proclamations and certificates may be presented at a City Council meeting or at an outside event or meeting. Typically, requests are honored for presentation at a Council meeting only if a local representative from the requesting agency can appear to accept the certificate.

PRESENTATION OF GIFTS: Requests for plaques, gifts, awards, or other Protocol Account expenses shall be approved by the Mayor, or by the City Council should the amount be over \$1,000 (refer to Res. 2000-126, "Protocol Account Policy").

IN MEMORY OF: A meeting may be ~~dedicated~~adjourned in memory of an individual at the direction of the Mayor or Member of the City Council. ~~The announcement will be made following roll call. If the meeting is dedicated, t~~The individual's family will be mailed a letter by the City Clerk's Office acknowledging the ~~dedication~~adjournment.

4. COUNCIL ADMINISTRATION

4.1 Salaries and Benefits

Council salaries are established by LMC Chapter 2.08, "City Council Salaries." Government Code section 36516 provides specific restrictions for adjusting Council salaries. Council Members shall be entitled to certain benefits, as outlined in Resolution No. 2018-254, which was adopted on December 19, 2018.

4.2 Travel and Expense Reimbursements

The Council shall establish an annual budget for conferences, meetings, training, and representation at ceremonial functions. Council Members shall attend these functions at his/her own discretion for purposes of improving comprehension of and proficiency in municipal affairs and/or legislative operations.

The Mayor will be allocated an additional \$500 per year for representation expenses.

The expenses of spouses who accompany public officials in the conduct of their public duties cannot be reimbursed (75 Cal. Op. Att'y. Gen. 20 (1992)).

4.2a City of Lodi Travel Policy (Res. ~~2016-175~~2019-172)

Council Members shall be subject to the City of Lodi Travel Policy as adopted by the Lodi City Council on ~~September 21, 2016~~August 21, 2019.

4.2b Appointment of Delegate/Alternate to National League of Cities and League of California Cities Annual Conferences (Res. 2015-184)

Pursuant to Resolution No. 2015-184, adopted by the Lodi City Council on October 21, 2015, the Mayor shall serve as the voting delegate and the Mayor Pro Tempore shall serve as the voting alternate for all National League of Cities and League of California Cities annual business meetings. If a Council

Member, however, serves on the League of California Cities (LCC) Executive Board of Directors, the LCC Central Valley Division Board of Directors, or in any other League capacity, priority shall be given to that individual to be designated as the Voting Delegate. In the event that the Mayor, Mayor Pro Tempore, and/or a Council Member serving on an LCC Board does not attend, the Mayor shall make the selection of the Voting Delegate and/or Voting Alternate.

4.3 Protocol Account Policy (Res. 2000-126)

Pursuant to Resolution No. 2000-126, adopted by the Lodi City Council on July 19, 2000, expenses used for such occasions as Council receptions and business luncheons, joint dinner meetings with various agencies and organizations, and supplies associated with Mayoral duties (e.g. plaques and awards, sympathy and congratulation tokens, etc.) require specific City Council approval, if over \$1,000. A monthly itemized report of the Protocol Account shall be provided to the City Council by the City Clerk.

4.4 Appointment of City Council Appointees (LMC Title 2)

Pursuant to LMC Section 2.12.010, "Office established—Appointment—Qualifications," the office of City Manager is established, which shall be appointed by the City Council solely on the basis of his/her executive and administrative qualifications. The powers and duties of the City Manager are set forth in LMC Section 2.12.060, "Powers and duties generally."

Pursuant to LMC Chapter 2.13, "City Clerk," the City Clerk shall be appointed by the City Council, which shall prescribe the qualifications, additional duties, and compensation of the City Clerk. The powers and duties of the City Clerk are further set forth in LMC Chapter 2.13, as well as those specified in California Government Code §40801 et seq. and other state and local statutes.

Pursuant to LMC Chapter 2.14, "City Attorney," the City Attorney shall be appointed by the City Council and shall serve as legal counsel to the City government and all officers, departments, boards, commissions, and agencies thereof. The powers and duties of the City Attorney are further set forth in LMC Chapter 2.14, as well as those prescribed by state law and by ordinance or resolution of the City Council.

4.5 Evaluation of City Council Appointees (Res. 2002-224)

Pursuant to Resolution No. 2002-224, adopted by the Lodi City Council on November 6, 2002, the City Council shall conduct Council Appointees' evaluations annually over the course of two City Council closed session meetings.

The purpose of Council Appointee evaluations is to: 1) motivate Appointees to work at their highest capacity by jointly establishing job

standards and objectives, review progress toward achieving those results, and subsequently plan the Appointee's future development; 2) determine an Appointee's performance level to assist in making appraisals for merit pay increases and disciplinary actions; and 3) serve as a means of communication between City Council and the Appointee.

5. COMMISSIONS

5.1 Commissions

City commissions (which hereinafter include standing Council-appointed boards, commissions, and committees) serve as advisory bodies to facilitate public input and citizen participation in the determination of public policies. This is accomplished by formulating recommended courses of action and policy to the City Council with whom final determination rests. The Planning Commission (LMC Chapter 2.16, "Planning Commission") has authority to make final determination in applicable circumstances (see LMC Title 17, "~~Zoning~~Development Code").

5.2 Board, Committee, and Commission Appointment and Removal

Appointment

Resolution No. 2003-156, adopted by the Lodi City Council on August 20, 2003, establishes the policy regarding appointment of persons to membership on a City board, committee, and commission (hereinafter "Commission"). Commission applicants, with the exception of the Greater Lodi Area Youth Commission, must be registered voters of San Joaquin County; Lodi Arts Commission applicants must be registered voters of the City of Lodi (Res. 2017-208); and Site Plan and Architectural Review ~~Commission-Committee~~ applicants must be registered voters of the City of Lodi. Pursuant to LMC Section 2.16.010, "Established—Appointment," Planning Commission applicants must be registered voters of the City of Lodi. Those applicants not meeting ~~this-these~~ requirements will be notified by the City Clerk's Office that their application does not meet specifications and cannot be considered for appointment. Applications are to be accepted by the City Clerk for 30 days and shall remain valid and on file for one year. Exception: Full-time and part-time City employees are prohibited from serving on a commission.

Those seeking appointment to a commission must submit an application to the City Clerk's Office. Those commissioners whose terms have expired must submit a new application (terms are not automatically renewed), and the City Clerk will notify said commissioners with a letter and new application form. Following the close of the 30-day application period, copies of all applications will be provided to Council Members for informational purposes, as well as to the appropriate staff liaisons, who will be asked to provide feedback on each candidate, including those seeking reappointment.

The Mayor shall conduct interviews and submit recommendation(s) for appointment to the City Clerk's Office for placement on the City Council agenda for motion action. Exception: The Greater Lodi Area Youth Commission may conduct independent interviews of all applicants, providing the Mayor with a ranking of the top ten, which he/she shall use in selecting qualified candidates.

Following Council appointment, the successful candidate(s) will be notified by the City Clerk's Office via letter of the appointment, and Conflict of Interest ~ Form 700 filing obligation (if required), mandatory AB1234 ethics training and compliance, Oath of Office form, and Commissioner's Handbook. Copies of the letter and completed application form(s) will be forwarded to the appropriate staff liaison, who will contact the successful candidate(s) regarding meeting dates and times and responsibilities. The City Clerk's Office will notify the unsuccessful candidates of the outcome and confirm the status of their application (i.e. currently valid; has or about to expire; etc.).

The appointed commissioners assume office at the time the Oath of Office form is completed and submitted to the City Clerk's Office. Newly-appointed commissioners are not permitted to participate in commission meetings or activities until the Oath is filed. Failure to comply with this requirement within 30 days will cause the seat to be unfilled, and the City Clerk shall post for the vacancy at the next regularly-scheduled Council meeting pursuant to these guidelines.

Appointed commissioners serve without compensation except as Council may prescribe from time to time by resolution or ordinance. (EXCEPTION: Planning Commissioners receives compensation pursuant to LMC Section 2.16.020 – Compensation.)

Appointees to all City boards and commissions are required to receive mandatory AB1234 ethics training within 30 days of appointment (and by December 31 of even-numbered years thereafter) and submit a completed Proof of Participation Certificate to the City Clerk (EXCEPTION: Greater Lodi Area Youth Commissioners ~ Student Appointees). The City Clerk shall notify appointed commissioners via letter of available training opportunities. Appointees cannot receive compensation, stipend, or training reimbursement until AB1234 ethics training is completed. Failure to comply with the mandatory ethics training will result in the appointee's removal from the commission.

Some appointees will be required to complete a Conflict of Interest ~ Form 700 ~ Assuming Office Statement within 30 days of taking office. The City Clerk shall notify appointees of this filing requirement and provide the necessary forms. Those who do not comply with the Form 700 obligation will be subject to applicable rules, penalties, and fines as set forth by the Fair Political Practices Commission. Filers have the option to file electronically through the City's electronic filing system, NetFile; however, to ensure reporting continuity, once a statement, report, or other document is filed electronically on behalf of any filer, all future reports and other documents filed on behalf of that filer must be filed electronically.

Commissioners appointed to a vacated seat or unexpired term shall serve out the remainder of the term, unless said term is due to expire within six months of the appointment date. In that case, the term shall automatically be extended by the commission's stated term limit.

Removal

~~A person~~An individual appointed by the City Council to a commission shall continue to serve as a member thereof except when:

1. The ~~person's~~individual's term of office expires and a different ~~person~~individual has been appointed. If the incumbent individual applied for reappointment, he/she may continue to serve in the office until appointment of a different individual is made, even after the term expires. If not, the incumbent may only serve until the expiration date of the term of office.

2. The ~~person~~individual voluntarily resigns from the commission.

3. The ~~person~~individual no longer resides and/or is a registered voter within the required jurisdiction.

4. The ~~person~~individual fails to attend three (3) consecutive meetings of the commission and does not have prior approval for said absences by way of a majority action of the commission. In such case, the commission shall vote to recommend that Council remove the member and post for the vacancy, which the City Clerk will submit to Council at its next regularly-scheduled meeting.

5. The individual fails to comply with the mandatory AB1234 ethics training by December 31 of even-numbered years. In such case, a non-compliance letter will be mailed the first week of January by the City Clerk to the individual providing 30 days to conform and submit the certification. At the conclusion of the 30-day period, the City Clerk will notify the individual that if the required training and certification is not completed within 10 days, the seat will be vacated and the City Clerk will place an item on the next regularly-scheduled City Council agenda to declare the position vacant and post for the open seat.

A majority vote of the City Council may remove any member of a commission for any reason including, but not limited to, incompetence, inability to work productively with fellow commissioners, conduct unbecoming a public official, violating the City's Conflict of Interest Code, failing to comply with statutory requirements, or failing to attend fifty percent (50%) of commission meetings in a calendar year. Conduct unbecoming a public official includes the conduct that any reasonable commissioner would know is incompatible to public service, would indicate a lack of fitness to perform the functions of a commissioner, or would discredit or cause embarrassment to the City.

Any member of the City Council may initiate ~~a person's~~an individual's removal from a commission by requesting that consideration of the ~~person's~~individual's removal be placed on the Council's agenda at a regular or special meeting for discussion and potential action. The City Clerk shall notify the person affected of the time and place of the

meeting. When the item is on the City Council agenda, the City Council may, by majority vote, remove the ~~person~~individual from a commission.

At the beginning of each year, the City Clerk will place an item on the Council's agenda to report on attendance, AB1234 ethics training and compliance, and Statement of Economic Interest ~ Form 700 compliance for each commissioner.

5.3 Commission Responsibility

Commissioners should respect their fellow commissioners, the public, and staff and shall take seriously their responsibility for reporting to the City Council. Positions taken by appointed representatives should be in alignment with the positions that the Council has taken on issues that directly impact the City of Lodi. Commissioners shall make a good faith effort to attend all scheduled meetings and will notify the City liaison if they will be absent. Each Council-appointed commission shall be designated a staff liaison who shall make certain that the commission is properly instructed on its responsibilities and performance expectations. This may include the issuance of the commission's bylaws or guidelines and Commissioner's Handbook, as well as copies of The Brown Act and Resolution No. 2006-31, "Rules of Conduct of Meetings, Proceedings, and Business." The City Attorney may from time to time conduct Brown Act workshops for new commissioners. Commissioners shall also comply with the City of Lodi Code of Ethics and Values (Res.2004-115).

Commissioners may address the Council on items discussed by their respective bodies but should be limited to the chair or a representative that has been appointed by the commission. This will not take precedence over any individual's first amendment right to address the Council as an individual.

All commissioners must file the Oath of Office form with the City Clerk's Office within 30 days of appointment or reappointment and prior to participating in any commission meetings or activities.

All commissioners must comply with AB1234 ethics training specified by Government Code section 53235 within 30 days of assuming office and thereafter by December 31 of even-numbered years.

Commissioners must comply with Fair Political Practices Commission regulations pertaining to Conflict of Interest ~ Form 700s and are required to file an Assuming and Leaving Office Statement within 30 days of assuming or leaving office and annually thereafter by April 1. Filers have the option to file electronically through the City's electronic filing system, NetFile; however, to ensure reporting continuity, once a statement, report, or other document is filed electronically on behalf of any filer, all future reports and other documents filed on behalf of that filer must be filed electronically.

5.4 Council Contact with Commissions

Members of the City Council should not attempt to influence or publicly criticize commission recommendations, or to influence or lobby individual commission members on any item under their consideration. It is important for commissions to be able to make objective recommendations to the City Council on items before them. An exception to the Brown Act allows a legislative body majority to attend an open and noticed meeting of a standing committee of the legislative body provided that the legislative body members who are not members of the standing committee attend only as observers, meaning that they cannot speak or otherwise participate in the meeting.

5.5 Ad Hoc Committees and Task Forces

The City Council, through the City Manager, shall make certain that all Council-appointed ad hoc committees and task forces are properly instructed in their assigned scope of work and responsibility. The expected output of their effort shall be clearly defined. Ad hoc committees and task forces are responsible for keeping the Council informed about issues being considered and their progress. This is to be accomplished by meeting minutes distributed ~~in-to~~ the Council weekly packets via the City Clerk's Office. Council Members may also view minutes for all ad hoc committees and task forces at any time via the Agenda Center on the City's website. Ad hoc committees and task forces are responsible for advising the Council of any need for information or more specific instructions. Ad hoc committees and task forces shall obtain Council concurrence before they proceed in any direction different from the original instructions of the Council.

5.6 Annual Recognition ~~Reception~~

Each year ~~in December~~, the City Council ~~hosts an event (coordinated by the City Clerk's Office) to will~~ recognize the efforts of ~~current and~~ outgoing members of Council-appointed boards, commissions, committees, and task force groups with Certificates of Recognition at the City Council meeting and reorganization in December.

5.7 Council Service on Commissions

Council Members are requested to serve on various commissions for outside agencies. Following a City election, at which new Council Members are elected, the ~~newly seated~~ Council shall review the list of current assignments and make recommendations for appointments of new Council Members. Any Council Member desiring to serve on a certain commission should inform the Mayor. ~~A~~ Council Members resigning from his/her position on a certain commission should inform the Mayor (via the City Clerk's Office) ~~in writing.~~ Thereafter on an annual basis, the City Clerk will place an item on the Council's agenda to confirm the appointment of City Council Members on various boards, committees, and commissions and notify Council of any changes. Appointments are subject to approval by a majority of Council.

Council representatives to such commissions shall keep the Council informed of ongoing business through periodic updates under the "Comments by Council" segment of the regular City Council meeting agenda or other means as appropriate. In addition, any Council Member who receives a stipend for service on an outside commission will notify the City Clerk of the details, and any changes thereafter, in order to comply with Fair Political Practices Commission reporting requirements.

5.8 Regional Boards

The role of the Council on regional boards will vary depending on the nature of the appointment. Representing interests of Lodi is appropriate on some boards; this is generally the case when other local governments have its own representation. Examples might be serving on the Northern California Power Agency and Northern San Joaquin County Groundwater Banking Authority. Other appointments, such as San Joaquin Council of Governments, are broader in nature; these boards depend on its members taking a more regional approach.

The positions taken by the appointed representative are to be in alignment with the positions that the Council has taken on issues that directly impact the City of Lodi. If an issue should arise that is specific to Lodi and the Council has not taken a position, the issue should be discussed by the Council prior to taking a formal position at a regional board to assure that it is in alignment with the Council's position.

6. MEETING GUIDELINES & PROCEDURES

6.1 Attendance / Quorum

Council Members acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Council Members shall make a good faith effort to attend all such meetings unless unable. Council Members will notify the City Clerk if they will be absent from a meeting. The City Clerk will then notify the City Manager, City Attorney, and all other Council Members.

Three members of the City Council shall constitute a quorum and shall be sufficient to transact business. If less than three appear at a regular meeting, the Mayor, Mayor Pro Tempore in the absence of the Mayor, any Council Member in the absence of the Mayor and Mayor Pro Tempore, or in the absence of all Council Members, the City Clerk, or his/her designee, shall adjourn the meeting to a stated day and hour or cancel the meeting due to the lack of a quorum.

Rule of Necessity: If enough Council Members are disqualified (e.g. conflict of interest) such that a quorum cannot be met, the disqualified Members shall draw lots to rehabilitate a sufficient number of Council members to permit Council action. Direction from the City Attorney should be sought to determine that real conflict exists to necessitate the need to use the Rule of Necessity.

6.2 Meeting Dates and Location

Whenever possible, taking into consideration the number of participants and room availability, all Council meetings noticed for action shall be scheduled in the Council Chambers at the Carnegie Forum to allow for a live cable-cast of the meeting.

6.2a Regular Meetings & Informal Informational (Shirtsleeve) Sessions

Pursuant to LMC Chapter 2.04, "City Council Meetings," regular meeting dates are the first and third Wednesday of each month commencing at 7:00 p.m. Informal Informational (Shirtsleeve) Sessions are held every Tuesday morning at 7:00 a.m.

6.2b Special/Joint/Adjourned/Emergency Meetings

The Brown Act sets forth specific requirements for holding adjourned, special, and emergency meetings. The City Council may from time to time hold special joint meetings with boards and commissions or outside agencies or groups.

6.3 Agenda / Council Meeting

6.3a Agenda Packet Preparation

The City Manager reviews and approves all items for the Council agenda. Agenda packets are compiled, photocopied, converted electronically, posted to the Web, and distributed through the City Clerk's Office, pursuant to the "City Council Agendas, Council Communications, and Packet Policy/Procedure." Agendas ~~packets (in CD format)~~ shall be delivered to Council Members on the ~~Friday-Thursday~~ prior to the Council meeting and a link to the electronic agenda packet on the Webpage will be e-mailed to Council.

6.3b Placing Items on the Agenda

Pursuant to LMC Section 2.04.180 "Preparation of agendas," matters may be placed on the agenda for consideration by request of 1) any member of the City Council, 2) the City Manager, 3) the City Clerk, and 4) the City Attorney. Any reasonable request by any person named in this section shall be honored, subject to the City Manager's discretion as to the preparation of accompanying staff reports.

Requests from the public to place an item on the agenda are to be directed to the City Clerk's Office and shall be handled in the following manner:

- Proclamation/Certificate – All requests for proclamations and certificates are subject to approval of the Mayor and are typically honored only if a local representative from the requesting agency can appear to accept the certificate.

- Presentations – Most requests for presentation by civic groups and local organizations and requests for recognition of Eagle Scouts or for excellence in academics, athletics, etc. shall be honored and placed appropriately under the "Presentations" segment of the agenda.
- Item for Discussion/Action – Requests by members of the public to place an item for discussion or action on the agenda shall be directed to the appropriate City department for proper handling. In the event it cannot be handled in this manner, the individual requesting the action should submit in writing his/her specific request either directly to the City Council or to the City Clerk who will then forward to the City Council, City Manager, City Attorney, and appropriate Department. Members from the public are also encouraged to attend a City Council meeting to make their request for an agenda item under the "Comments by Public on Non-Agenda Items" segment of the agenda. ~~The City Clerk shall then place the matter on the agenda under "Communications." The Council shall not take action on the matter other than to either 1) direct that the matter be placed on a future agenda or 2) direct staff to research the issue and report back to Council.~~

6.3c Order of Agenda Items

Resolution No. 2018-16, adopted by the Lodi City Council on February 7, 2018, establishes the order of business for City Council meetings. Topics anticipated to be of greatest interest to the public will be placed at the beginning of the Regular Calendar.

6.3d Agenda Posting

The agenda for any Regular, Special, or Shirtsleeve Session meeting shall be made available to the general public.

For every Regular, Special, or Shirtsleeve Session meeting, the City Clerk, or other authorized person, shall post the agenda, specifying the time and place at which the meeting will be held and a brief description of all items of business to be discussed at the meeting. The agenda shall be posted according to law at the following locations:

- Lodi City Hall – 221 W. Pine Street
- City Clerk's Office – 221 W. Pine Street, 2nd Floor
- Lodi Carnegie Forum* – 305 W. Pine Street
- ~~Lodi Public Library – 201 W. Locust Street~~
- On the Internet (Agenda Center) – www.lodi.gov
- Office of California Human Development / Worknet – 631 E. Oak Street

*NOTE: This is the official City of Lodi posting location freely accessible to the public 24 hours a day.

6.3e Americans with Disabilities Act Statement and Language Interpreter

Agendas for all City Council meetings will contain a statement regarding the Americans with Disabilities Act and language interpreter requests in substantially the following language, making the City Clerk the contact for inquiries.

“All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk’s Office as soon as possible and at least 72 hours prior to the meeting date. Language interpreter requests must be received at least 72 hours in advance of the meeting to help ensure availability. Contact Jennifer M. Ferraiolo at (209) 333-6702. Solicitudes de interpretación de idiomas deben ser recibidas por lo menos con 72 horas de anticipación a la reunión para ayudar a asegurar la disponibilidad. Llame a Jennifer M. Ferraiolo (209) 333-6702.”

6.3f Limitation to Act Only on Items on the Agenda

No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:

- Upon a majority determination that an “emergency situation” (as defined by state law) exists; and
- Upon determination by a 4/5 vote of the full City Council, or a unanimous vote if less than a full Council, that there is a need to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda.

6.3g Supplemental Information (“Blue Sheet” Items)

At times, it may be necessary to amend or provide new information to Council following the publication of the City Council packet. Supplemental material that revises a previously submitted item shall show new information in bold and deleted information in strikethrough. Supplemental material that adds further information to a previously submitted item (e.g. a new Council Communication or attachment) shall contain the statement “SUPPLEMENTAL INFORMATION” on the top, right-hand side of the new material. All supplemental material shall be copied on blue paper and distributed to Council Members and key staff members, in addition to the public information table, prior to the start of the meeting.

6.3h Closed Session

Closed sessions are regulated pursuant to the Brown Act. All written materials and verbal information regarding closed session items shall remain confidential. No member of the Council, employee of the City, or anyone else present shall disclose to any person the content or substance of any discussion that takes place in a closed session, unless authorized by a majority of Council. The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be courtesy, respect, and tolerance for all viewpoints and for the right of Council Members to disagree.

In accordance with Resolution No. 80-101, adopted by the Lodi City Council on August 6, 1980, the City Clerk is authorized to attend all closed session meetings to record motions and actions taken by the City Council. The City Attorney, following the adjournment of a closed session, shall disclose all reportable action taken in the closed session, which shall be recorded into the record by the City Clerk.

6.3i Invocations/Calls to Civic Responsibility (Res. 2009-146)

In accordance with Resolution No. 2009-146 (Exhibit D), adopted by the Lodi City Council on October 21, 2009, invocations/calls to civic responsibility shall follow the policy regarding legislative invocations/calls to civic responsibility before meetings of the Lodi City Council. ~~{Attached as Exhibit D}~~

6.3j Presentations

Special presentations shall be scheduled as necessary in recognition of persons or groups, or for the promotion of an event or service. Requests for special presentations must be submitted to the City Clerk ~~in writing~~ in advance of the agenda deadline.

6.3k Consent Calendar

Those items on the Council agenda that are considered to be of a routine and non-controversial nature by the City Manager shall be listed on the "Consent Calendar." These items so listed shall be approved, adopted, accepted, etc. by one motion of the Council.

Council Members may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration.

6.3l Public Comments

Pursuant to the Brown Act, public comment ~~will be~~ allowed on specific items of business on the Council agenda before or during the Council's consideration of the matter. Members of the public wishing to address Council on a closed session topic will be allowed an opportunity to do so prior to Council adjourning to closed session. Speakers are limited to five minutes. On scheduled items where the Council determines that the existence of unusual or controversial issues exists, that the large number of speakers wishing to address the Council so justifies, or that other considerations make modification appropriate, the Mayor may limit the amount of time to be afforded each speaker and/or prohibit ceding or yielding speaking time to others. Public comments will also be allowed on any item not on the agenda but within the jurisdiction of the City Council. Public comments on non-agenda items are limited to five minutes each. Individuals desiring to speak are encouraged, but not required, to submit a request to speak card to the City Clerk listing their name and address. Use of City computer and/or video equipment to broadcast materials containing visual images during City Council meetings is limited to scheduled/agendized items, and such computer and/or video equipment is not for use during public comment at such meetings. During, before, or after public comment at a City Council meeting, members of the public may distribute hard copies of any document and other records to the City Council through the City Clerk, and those documents and records will be made a part of the record and made available to any member of the public upon request.

All comments and testimony shall be made from the podium through the Mayor; no comment or testimony shall be shouted from the audience. Comment and testimony are to be directed to the City Council. Dialogue between and inquiries from citizens at the podium and members of staff or the seated audience is not permitted. Inquiries which require staff response shall be referred to staff for response at a later time.

The City Council cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the City Council itself; however, the Brown Act provides no immunity for defamatory statements. Any person who addresses the City Council in a manner which disrupts, disturbs, or impedes the orderly conduct of the meeting may be asked to terminate his/her comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, may be grounds for removal from the meeting.

6.3m Council Comments on Non-Agenda Items

Council Members may make comments on non-agenda items. Comments are generally for informational purposes or to request a future report on a matter; it is not intended for detailed discussion of an item or for action (Gov. Code section 54954.2(a)(2)).

6.3n Public Hearings

Public hearings may be required on certain items as prescribed by the Lodi Municipal Code or by state or federal law. In addition to the public hearing procedures set forth in Resolution 2006-31, adopted by the Lodi City Council on February 15, 2006, the general procedure for public hearings is as follows:

1. Staff presents its report. Council Members may ask questions of staff.
2. The Mayor opens the public hearing.
3. The applicant or appellant has the opportunity to present his/her comments, testimony, or arguments. Adequate time must be allotted for the applicant or appellant to present his/her case subject to the time limits established by the Mayor.
4. Members of the public may present their comments subject to time limits established by the Mayor.
5. The Mayor closes the public hearing after everyone wishing to speak has had the opportunity to do so.
6. Council deliberates and takes action.

When the City Council acts in an adjudicatory or quasi-judicial capacity, each member must (1) disclose on the record the nature and substance of any ex parte communications relating to the matter; and (2) provide interested parties full and fair opportunity to rebut or explain the information obtained from those communications. The City Clerk, with consultation from the City Attorney, will designate all quasi-judicial public hearings on the City Council's agenda.

6.3o Regular Calendar

Those items on the Council agenda that are considered to require Council discussion or public input shall be listed on the "Regular Calendar." These items so listed shall be approved, adopted, accepted, etc. separately by the Council.

6.3p Ordinances

Ordinances involve a command or prohibition and have the force of law in the city for which an ordinance is adopted. An ordinance generally prescribes some permanent rule of conduct or government that remains in force until the ordinance is repealed. With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required—one to introduce (under Public Hearings or on the Regular Calendar) and a second to adopt the ordinance (under Ordinances). Ordinances may only be passed at a Regular meeting or at an Adjourned (i.e. continued) Regular meeting; except for urgency ordinances, ordinances may not be passed at a Special meeting. Unless otherwise stated, an ordinance shall take effect 30 days following the date of adoption.

6.3q Resolutions

A resolution expresses City Council policy or directs certain types of administrative action and may be changed by a subsequent resolution. Resolutions are effective on the date of adoption.

In general and without explicitly calling it out in all resolutions, the City Attorney has authority to correct administrative, typographical, or clerical errors for all resolutions that do not alter Council direction/intent in any way.

Resolutions approving contracts, Professional Services Agreements, Memorandums of Understanding, grant agreements and the like, shall include language authorizing the City Attorney to make minor revisions to the agreement that do not alter the compensation or term and to make clerical corrections as necessary.

6.3r Minute Motion

A minute motion is the most informal official action taken by the City Council. It ordinarily is used to indicate majority approval of a procedural action, such as accepting grant deeds, approving plans and specifications and agreements, or otherwise authorizing disposition of an agenda item.

6.3s Agency Meetings (LPIC, IDA, LFC, LPFA, ~~RDA~~)

The City Council, which also sits as members of the Lodi Public Improvement Committee (LPIC), Industrial Development Authority (IDA), Lodi Financing Committee (LFC), and the Lodi Public Financing Authority (LPFA) ~~and the Redevelopment Agency (RDA)~~, shall meet annually at the ~~second-regularly-scheduled~~ meeting in December following the Council reorganization to elect new officers. Typically, the Mayor shall serve as Chairperson or President and the Mayor Pro Tempore shall serve as the Vice Chairperson or Vice President. ~~The RDA members are entitled to compensation of \$30 per meeting up to four meetings per month; however, they may vote to waive the compensation.~~

6.3t Council Communications / Staff Reports

Each City Council agenda item shall have a coordinating staff report (Council Communication) prepared by the originating department. Council Communications are written specifically for the purpose of communicating information necessary for policy and decision-making and shall include an abbreviated history, the overall intent and need for the requested action, and its impact or affect on the community, services, and programs of the City.

6.3u Submitted Materials at or Before Meetings are Public Records

Any written correspondence or other materials, when distributed to all, or a majority of all, of the members of the City Council by any person in connection with a matter subject to discussion or consideration at a public meeting, are disclosable public records under the California Public Records Act and shall be made available upon request without delay. Writings that are public records and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by City staff or a member of the City Council, or after the meeting if prepared by some other person. All writings referenced herein shall be provided to and documented with a received/filed date by the City Clerk.

Communications sent to the City Council related to an item on an agenda received in the City Clerk's Office by 4:00 p.m. on the date of the meeting will be provided to Council Members as a "Blue Sheet" item. Such communications will be handled in accordance with California Government Code section 54957.5.

6.3v Electronic Mail Communications, Prohibited during Meetings

Use of the Internet, ~~and e-mail, texting, and social media~~ is prohibited by Council Members during City Council meetings, with the exception of accessing the agenda packet via City-provided iPads. The purpose of this is: 1) to ensure that no violations of the Brown Act occur and 2) to allow for proper management of communications during meetings so that City business can be conducted in an efficient and orderly manner. ~~E-mail communication sent to the City Council related to an item on an agenda will be received in the City Clerk's Office up to the close of business (5:00 p.m.) on the date of the meeting and will be provided to Council Members via "blue sheet." Such communications will be handled in accordance with California Government Code Section 54957.5.~~

6.3w Minutes

The City Clerk, or his/her designee, shall attend and prepare ~~comprehensive summary action~~ minutes (pursuant to Res. 2017-230) of all public meetings of the City Council. Minutes ready for Council approval shall be placed on the regular City Council meeting agenda and included in the Council packet. Pursuant to LMC Section 2.04.110, "Reading and approval of minutes," any Council Member can request a correction or amendment to the minutes, subject to verification by the City Clerk. It is suggested that Council Members contact the City Clerk no later than Tuesday before the regular meeting, which will allow the Clerk time to review the ~~audio tape recording~~ to ensure that the requested amendment was verbalized at the meeting, and if so, make the change to the minutes and present the amended minutes to Council as a "Blue Sheet" item on the day of the meeting for approval.

6.4 Rules of Conduct

6.4a Discussion Rules

The Mayor or presiding officer has the responsibility to control the debate and the order of speakers pursuant to the rules for conduct of meetings, proceedings, and business as set forth in Resolution No. 2006-31 (Exhibit B).

6.4b Council Comments (Related to Items on the Agenda)

Council Members shall limit their comments to the subject matter, item, or motion being currently considered by the Council.

6.4c Speaker Time Limits

Members of the public speaking on non-agenda items shall be limited to five minutes. On scheduled items where the Council determines that the existence of unusual or controversial issues exists, that the large number of speakers wishing to address the Council so justifies, or that other considerations make modification appropriate, the Mayor may limit the amount of time to be afforded each speaker and/or prohibit ceding or yielding speaking time to others.

6.4d Council Questions of Speakers

Council Members who wish to ask questions of speakers may do so, but only after being recognized by the Mayor. Members of Council shall not engage in debate with a member of the public at Council meetings.

6.5 Decorum

6.5a Council Members / Council Appointees

Resolution No. 2004-115 (Exhibit C), adopted by the Lodi City Council on June 2, 2004, establishes the code of ethics and values to be followed by City Council Members and City Council Appointees (i.e. City Manager, City Attorney, and City Clerk). Members of the City Council and Council Appointees value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Council Members and Appointees shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the City Council. At all times, Council Members in the minority on an issue shall respect the decision and authority of the majority.

6.5b City employees

Members of the City staff are expected to observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business professional manner toward Council Members and members of the public.

6.5c Public

Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.

6.5d Noise in the Chambers

Noise emanating from the audience within the Council Chambers or lobby area, which disrupts City Council meetings, shall not be permitted.

6.6 Use of Council Chambers

As set forth in the City of Lodi Administrative Policy and Procedure Manual, the following are authorized uses of the spaces in the Carnegie Forum.

1. All meetings of the City Council.
2. All meetings of City boards and commissions when such boards and commissions are staffed by a City liaison person.
3. Meetings called by a Council Member(s) to discuss City business with constituents and others.
4. Department Head and other City staff meetings.
5. City employee training sessions.
6. General meetings of City employees for the purpose of disseminating job-related information.
7. Professional meetings hosted/conducted by City staff.
8. City-sponsored community awareness programs.
9. One non-partisan Town Hall meeting per year of elected San Joaquin County Supervisors and State and federal Legislators at which the City Manager is present.

Exceptions to this policy may be made only on the authority of the City Council. The Council Chamber cannot be used as a location for taking campaign photos. All requests for use of Carnegie Forum spaces shall be made through the ~~Secretary to the~~ City Manager's Office.

7. COMMUNICATIONS

7.1 Processing and Delivering of City Council Mail by City Clerk's Office

Upon authorization of the City Council Member, the City Clerk shall open all mail addressed to the Mayor and City Council Members, with the exception of those marked "Personal" or "Confidential."

Communication Addressed to the "City Council"

All correspondence addressed to the "City Council" is treated as public information. A copy is ~~made for~~ given to each member of the City Council, City Manager, City Attorney, and all other affected departments for information, referral, or handling. The original document is retained in the City Clerk's Office file.

Communication Addressed to the "Mayor"

Commonly, the sender's intent when addressing communication to the "Mayor" is merely to forward it to the head of the city governing body, and consequently, this type of correspondence is often handled in the same manner as communication addressed to the "City Council." Handling of the Mayor's mail is, however, at the discretion of the individual serving in this capacity, which is ascertained each year following the reorganization of the City Council.

Communication Addressed to Individual Council Members

Communication addressed specifically to individual City Council Members is treated as personal mail and is only opened by the City Clerk's Office if express authorization to do so was given by the Council Member. No copies are made or distributed. Should a response be needed, it is up to the individual Council Member to whom the correspondence was addressed, as is forwarding the information to affected departments if appropriate.

With limited exception, all communications directed to the Mayor or City Council Members, including e-mail or other types of electronic correspondence, are public records subject to disclosure under the California Public Records Act.

7.2 Council Calendar

~~An Annual Calendar List of Events shall be prepared by the City Clerk's Office, which includes City related events, functions, meetings, and annual conferences.~~ A weekly calendar is also prepared by the City Clerk and distributed to each Council Member, Administrative staff, and the press for informational purposes. It shall be the responsibility of Council Members to notify the City Clerk of their attendance at any event, for which the City Clerk will handle the arrangements.

7.3 Citizen Complaint Process

All complaints directed to the City Council through the City Clerk's Office will be copied to the City Manager's Office and other affected departments. A reply, confirming receipt and notifying the sender who the communication was forwarded to, will be sent by the City Clerk's Office ~~within 24 hours~~.

7.4 Use of City Letterhead or City Seal

All Council Member correspondence written on City resources, i.e. letterhead, staff support, postage, etc., will reflect a majority position of the Council, not individual Council Members' positions. All Council Member correspondence using City resources shall be copied to the full Council. The City Clerk is the custodian of the Official City Seal pursuant to Lodi Municipal Code 2.13.010. The City Seal shall not be altered and is to be used only on official City documents.

7.5 Communications with Staff

Pursuant to LMC Section 2.12.070, "Council to Deal Exclusively through City Manager," the City Council and its members, except for the purpose of inquiry, shall deal with administrative services solely through the City Manager, and neither the City Council nor any

member thereof shall give orders to any of the subordinates of the City Manager. A Council Member shall not direct staff to initiate any action, change a course of action, or prepare any report that is significant in nature, nor shall a Council Member initiate any project or study without the approval of a majority of Council. Exception: Pursuant to LMC Title 2.13 and 2.14, the City Attorney and City Clerk are appointed by the City Council and shall report his/her advice, recommendations, and requests directly to the City Council.

In regard to an agenda item question, Council Members are encouraged to contact staff members to ask questions for clarification prior to the meeting, at which the subject will be discussed.

7.6 Complaints Regarding Performance of Staff

Any concerns by a member of Council over the behavior or work of a City employee should be directed to the City Manager privately to ensure the concern is resolved. Council Members shall not reprimand employees directly, nor shall they communicate their concerns to anyone other than the City Manager.

7.7 Handling of Litigation / Confidential Information

Council Members shall keep all written materials and verbal information provided to them on matters that are confidential under state law in complete confidence to ensure that the City's position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the City Attorney, or City Manager.

7.8 Representing Majority vs. Individual Opinion

A person elected to the City Council plays two roles: a member of a body elected to represent the City in its entirety and a private resident of the City. The second role is not relinquished when the first role is assumed. It is important to distinguish between the two roles at all times and to conduct business in one role separately from the other. The elected Council Member retains the right to speak as an individual, not as a member of the City Council, but must make it very clear that he/she speaks on his/her own behalf and not as a member of the City Council. This is because when the Council acts, it acts as a whole, not as a group of individuals.

If a member of the City Council appears before another governmental agency or organization to give a statement on an issue affecting the City, the Council Member should first indicate the majority position and opinion of the Council. Personal opinions and comments may be expressed only if the Council Member clarifies that these statements do not represent the position of the City Council.

7.9. Legislative Communications at the Request of City-Affiliated Organizations

From time to time, the City is asked by the League of California Cities and other City-affiliated organizations to ~~take a~~ support and/or oppose ~~a~~ position on a particular piece of legislation and/or proposal. When such a request is received, the matter shall be agendized and acted upon at the next regularly scheduled City Council meeting. When a request is received necessitating a more timely response in that action is required prior to the next regularly scheduled City Council meeting, the Mayor, or his/her designee, on behalf of the City, may sign and submit the requested communication so long as the position is consistent with the position taken by the League and/or other City-affiliated organizations and previous positions, if any, taken by the City. A copy of the communication shall be presented as an informational item on the Consent Calendar at the next regularly scheduled City Council meeting.

8. CONFLICT OF INTEREST / ECONOMIC DISCLOSURE REQUIREMENTS FOR PUBLIC OFFICIALS

8.1 Conflict of Interest

The Political Reform Act (Government Code, Title 9, sections 81000-91015) controls conflict of interest through disclosure and prohibition of participation in decisions, which are actual conflicts of interest. Specifically, it requires City Council Members and other public officials to annually disclose all financial interests that may be affected by decisions made in their official capacity; this includes interests such as investments, real property, and income. Council Members must also disqualify themselves from making or participating in making or influencing any governmental decision that will have a foreseeable material financial affect on any economic interest of the Council Member or certain family members.

The Political Reform Act requires state and local government agencies to adopt and promulgate conflict of interest codes, which shall be reviewed bi-annually on even-numbered years. On November 7, 2018, the Lodi City Council adopted Resolution No. 2018-211 amending the City of Lodi's Conflict of Interest Code.

8.2 Statements of Economic Interest

A financial disclosure form (Statement of Economic Interest ~ Form 700) must be filed with the City Clerk no later than April 1 of each year for financial interests pertaining to the preceding calendar year. ~~Newly-elected~~ Council Members must file a statement within 30 days of officially assuming office or leaving office. Certain commission members and City employees are also subject to this disclosure requirement. Filers have the option to file electronically through the City's electronic filing system, NetFile; however, to ensure reporting continuity, once a statement, report, or other document is filed electronically on behalf of any filer, all future reports and other documents filed on behalf of that filer must be filed electronically.

8.3 Make and Participate in Making a Decision

An official makes a decision when the official votes on a matter, appoints a person, obligates or commits the City to any course of action, or enters into any contract on behalf of the City. Pursuant to LMC 2.04.140, "Voting," all members of the Council, when present, must vote. If a member of the Council states that he/she is not voting, his/her silence shall be recorded as an affirmative vote unless, however, the Council Member abstains from voting by reason of his/her interest in the matter before the Council and that reason is stated at the meeting. If, however, a Council Member abstains from voting without stating his/her interest in the matter, his/her abstention shall be recorded as an affirmative vote.

An official participates in making a decision when the official negotiates on behalf of the City without significant substantive review, or advises or makes recommendations to the decision maker, either directly or without significant intervening substantive review.

Exceptions: Making or participating in the making of a decision does not include ministerial, secretarial, manual or clerical actions, appearances by the official as a member of the general public before any body of the City in the course of its prescribed governmental function to represent himself/herself on matters related solely to his/her personal interest.

8.4 ~~Provision of~~ Advice from City Attorney regarding Conflict of Interest

Any official who is uncertain as to whether he/she may have a conflict of interest shall seek clarification from the City Attorney; however, the official must understand that the City Attorney may not keep the consultation confidential from the full Council, and the City Attorney's opinion is not a defense to a Fair Political Practices Commission (FPPC) enforcement action. When in doubt, the City Attorney or the official can request a formal opinion from the FPPC if the request is made at least four weeks in advance.

8.5 Using Official Position to Influence

Council Members shall not attempt to coerce or influence any member, officer, official, consultant, or commission member of the City in the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits. The Council shall not attempt to change or interfere with the operating policies and practices of any City department.

APPENDIX
Reference Table of Amendments

DATE	DESCRIPTION	ACTION
3/15/06	City Council adopted City Council Protocol Manual	Res. 2006-45
1/2/07	Amended Manual to update resolution number relating to the AB1234 Expense Reimbursement Policy (Section 4.2a)	Administratively
10/8/09	Amended Manual to add " <i>Appendix: Reference Table of Amendments</i> " for tracking purpose and added Exhibits A, B, and C to the Table of Contents page	Administratively
10/21/09	Amended Manual to update policy regarding invocations, referencing the Council-adopted resolution (Section 6.3i), and added Exhibit D to the Table of Contents page and attached it to the Manual	Res. 2009-146
2/2/11	Amended Manual to revise the boards, committees, and commissions appointment policy to include the specific follow-up process and indicate that the applicants shall be interviewed by the Mayor	Council action (motion/action)
5/18/11	Amended Manual to add Section 7.9 regarding communications at the request of the League of California Cities	Council action (motion/action)
10/5/11	Amended Manual, Sections 7.4 and 7.9, to further clarify use of City letterhead and expand the definition of legislative communications (i.e. not only League requests)	Council action (motion/action)
10/19/11	Amended Section 5.6, Annual Recognition Reception, to reflect that the reception is held annually in December rather than August	Administratively
11/2/11	Amended Section 5.2 (Commission Appointments) to add language regarding removal process	Council action (motion/action)
7/23/13	Amended Section 6.3l (Public Comments) to update language re: public comments (i.e. public encouraged, "but not required," to give name/address)	Administratively
9/2/15	Amended Manual to update resolution numbers, as well as any amendments in federal, state, and local laws	Administratively

[illegible]

2.04.010

Chapter 2.04

CITY COUNCIL MEETINGS

Sections:

- 2.04.010 Regular meetings—Day and time.
- 2.04.020 Informal informational meetings.
- 2.04.030 Meeting place.
- 2.04.040 Meetings to be public.
- 2.04.050 Special meetings.
- 2.04.060 Quorum.
- 2.04.070 Presiding officer—Mayor—Mayor pro tempore.
- 2.04.080 Call to order—Temporary chairman.
- 2.04.090 Roll call.
- 2.04.100 Order of business—Assembly of officers.
- 2.04.110 Reading and approval of minutes.
- 2.04.120 Rules of debate.
- 2.04.130 Addressing the council.
- 2.04.140 Voting.
- 2.04.150 Decorum.
- 2.04.160 Persons allowed within rail.
- 2.04.170 Entry of dissent in minutes.
- 2.04.180 Preparation of agendas.
- 2.04.190 Closed sessions—Confidentiality.

2.04.010 Regular meetings—Day and time.

Regular meetings of the council shall be held on the first and third Wednesday of each month at seven p.m.; provided, however, that any such regular meeting at which a closed session is to be held may be com-

menced, for the holding of such closed session, at such earlier time on the meeting day as may be noticed on the council's agenda and posted at least seventy-two hours in advance of such earlier commencement time. In the event of any such earlier commencement of a regular meeting for the purpose of holding a closed session, no other items of business on the council's meeting agenda shall be addressed before seven p.m. In case the regular meeting falls upon a legal holiday, then the regular meeting which otherwise would have occurred on that day shall be held on the first business day thereafter at the hour of seven p.m. (Ord. 1699 § 1, 2001)

2.04.020 Informal informational meetings.

Informal informational meetings of the city council shall be held on each Tuesday morning of each month at the hour of seven a.m. in the council chambers of the city or at such location and at such time as the council may deem appropriate, subject to notice requirements as provided by law. No formal action shall be taken by the city council at such meetings. The city manager, city attorney, department heads and members of the public, as the council may request, shall be present and present such information as may be deemed desirable. (Ord. 1594 § 1 (part), 1994)

2.04.030 Meeting place.

All regular meetings of the council shall be held in the council chambers, Carnegie Forum Building, Lodi, California, or at such other place as the council may deem appropriate, subject to notice requirements as provided by law. If by reason of fire, flood, earthquake or other emergency, it is unsafe

to meet in the place so designated, the meetings may be held for the duration of the emergency at such place as is designated by the mayor. (Ord. 1594 § 1 (part), 1994)

2.04.040 Meetings to be public.

All meetings of the council shall be open to the public. (Ord. 1594 § 1 (part), 1994)

2.04.050 Special meetings.

At any time the mayor or three city council members may call a special meeting by delivering written notice to each member and to each local newspaper of general circulation, radio or television station requesting notice in writing, such notice to be delivered personally or by mail at least twenty-four hours before the time of such meeting. Written notice may be dispensed with if a representative of the newspaper, radio or television station is present at the meeting and if all council members give their written consent to the meeting and the consent is filed in the city clerk's office when the meeting is held. A council member may give such consent by telegram. (Ord. 1594 § 1 (part), 1994)

2.04.060 Quorum.

A majority of all members elected to the council shall constitute a quorum at any regular or special meeting of the council. Unless otherwise required by law, a simple majority of the members present may take action or adopt ordinances or resolutions. (Ord. 1594 § 1 (part), 1994)

**2.04.070 Presiding officer—
Mayor—Mayor pro
tempore.**

The presiding officer of the council shall

be the mayor who shall be elected by the council annually at the first regular meeting after the canvass of votes done in conjunction with the statewide general election in even-numbered years. In years where there is no general statewide election, the mayor shall be elected at the first regular meeting in December. At the time of the election of the mayor, one of the members of the council shall be chosen as mayor pro tempore. If the mayor is absent or unable to act, the mayor pro tempore shall serve until the mayor returns or is able to act. The mayor shall preserve strict order and decorum at all regular and special meetings of the council. He shall state every question coming before the council, call for the vote, announce the decision of the council on all subjects and decide all questions of order, subject, however, to an appeal to the council, in which event a majority vote of the council shall govern and conclusively determine such question of order. He shall sign all ordinances adopted by the council during his presence. In the event of the absence of the mayor, the mayor pro tempore shall sign ordinances as then adopted. (Ord. 1594 § 1 (part), 1994)

**2.04.080 Call to order—Temporary
chairman.**

The mayor, or in his/her absence the mayor pro tempore, shall take the chair at the hour appointed for the meeting, and shall immediately call the council to order. In the absence of the mayor or mayor pro tempore, the city clerk, or the acting city clerk shall call the council to order whereupon a temporary chairperson shall be elected by the members of the council present. Upon the arrival of the mayor or mayor pro tempore, the temporary chairperson shall

immediately relinquish the chair upon the conclusion of the business immediately before the council. (Ord. 1594 § 1 (part), 1994)

2.04.090 Roll call.

Before proceeding with the business of the council at regular, special or informational sessions, the city clerk or the acting city clerk shall call the roll of the members, and the names of those present shall be entered in the minutes. (Ord. 1594 § 1 (part), 1994)

2.04.100 Order of business— Assembly of officers.

All meetings of the council shall be open to the public, except for closed sessions as permitted by law. The council shall provide by resolution the order of business for regular meetings of the council, and shall provide therein for public comment as required by law. In attendance shall be the city manager, the city clerk, and the city attorney or their authorized designees. (Ord. 1699 § 2, 2001)

2.04.110 Reading and approval of minutes.

Unless the reading of the minutes of a council meeting is requested by a majority of the council, such minutes may be approved without reading if the city clerk has previously furnished each member with a copy thereof. Any council member can correct an error in the minutes, subject to verification by the clerk. (Ord. 1594 § 1 (part), 1994)

2.04.120 Rules of debate.

The council shall, by resolution, adopt

rules of conduct and debate applicable to all city council meetings. (Ord. 1594 § 1 (part), 1994)

2.04.130 Addressing the council.

A. Any interested person may, subject to the rules of procedure adopted hereunder, speak on any item coming before the council. It shall not be required that persons wishing to speak give prior written notice, but priority shall be given to those who have so notified the city clerk in advance.

B. After a motion is made and seconded, no person shall address the city council without first securing permission of the council to do so.

C. Remarks by the public shall be made only from the podium. Speakers shall first give their names and addresses for the record, and no one shall be permitted to enter into any discussion without permission of the presiding officer. (Ord. 1594 § 1 (part), 1994)

2.04.140 Voting.

All members of the council, when present, must vote. If a member of the council states that he is not voting, his silence shall be recorded as an affirmative vote unless, however, the council member abstains from voting by reason of his/her interest in the matter before the council and that reason is stated at the meeting. (Ord. 1594 § 1 (part), 1994)

2.04.150 Decorum.

A. Council Members. While the council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council nor disturb any member while

2.04.150

speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise provided by this chapter. Any member who, after warning by the chair, repeatedly violates these rules may be ejected for the remainder of the meeting by two-thirds vote of the council.

B. Other Persons. Any person making personal, impertinent or slanderous remarks or who becomes boisterous during the council meeting shall be forthwith, by the presiding officer, barred from further audience at the meeting before the council, unless permission to continue is granted by a majority vote of the council.

C. Any violation of this section may be punished as an infraction pursuant to Section 1.08.010 of this code. (Ord. 1594 § 1 (part), 1994)

2.04.160 **Persons allowed within rail.**

No person, except city officials, their representatives and newsgathering or media personnel, shall be permitted within the rail in front of the council chamber during meetings, without the express consent of the council. (Ord. 1594 § 1 (part), 1994)

2.04.170 **Entry of dissent in minutes.**

Any council member shall have the right to have the reasons for his dissent from, or protest against, any action of the council entered on the minutes. (Ord. 1594 § 1 (part), 1994)

2.04.180 **Preparation of agendas.**

A. Consistent with the provisions of the Ralph M. Brown Act (Government Code Section 54950 et seq.), the agenda for council meetings shall be prepared by the

city manager, and distributed by the city clerk.

B. Matters may be placed on the agenda for consideration by the city council by request of:

1. Any member of the city council;
2. The city manager;
3. The city clerk;
4. The city attorney.

C. Any reasonable request by any person named in this section to place a matter on the agenda shall be honored, subject to the city manager's discretion as to the preparation of accompanying staff reports. (Ord. 1594 § 1 (part), 1994)

2.04.190 **Closed sessions— Confidentiality.**

A. No officer, employee or agent of the

city shall, without proper authorization, divulge confidential information received by such person as part of his or her official duties during any closed session of the city council authorized under the Ralph M. Brown Act (Government Code Section 54950 et seq.) as it now exists or may later be modified.

B. Such confidential information may include but is not limited to matters involving pending litigation, property acquisition, labor negotiations, personnel matters or other information, the disclosure of which would reasonably be likely to prejudice the good faith conduct of city business, constitute an unwarranted invasion of privacy, or place the city at an unfair disadvantage in negotiations.

C. For purposes of this section, "proper authorization" means:

1. In matters of personal privacy, a waiver by the individual enjoying such right of privacy;
2. The order or subpoena of a court of competent jurisdiction;
3. Authorization by the city council as a body;
4. Conclusion or finalization of the matter or subject involved, as determined by the city council.

D. Nothing in this chapter shall be deemed a waiver of any other confidential privilege for any information established elsewhere by statute or case law. (Ord. 1594 § 1 (part), 1994)

RESOLUTION NO. 2006-31

A RESOLUTION OF THE LODI CITY COUNCIL ADOPTING
AND ESTABLISHING RULES FOR THE CONDUCT OF ITS
MEETINGS, PROCEEDINGS, AND BUSINESS AND
THEREBY RESCINDING RESOLUTION 2004-282

=====

WHEREAS, the Lodi City Council, pursuant to Chapter 2.04 of the Lodi Municipal Code, is empowered and required to adopt by resolution, rules of conduct for City Council meetings; and

WHEREAS, it is desirable to make such procedural rules applicable to all other boards, commissions, and committees of the City.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows :

SECTION 1. RULES OF CONDUCT AND DEBATE FOR THE CITY COUNCIL,
BOARDS, COMMISSIONS, AND COMMITTEES

A. Presiding Officer May Debate

The Mayor or presiding officer may move, second, and debate from the chair, subject only to such limitations of debate as are by these rules established. The chair shall not be deprived of any of the rights and privileges of a Council or board member by reason of being the presiding officer.

B. Obtaining The Floor.

Any member of the Council or board wishing to speak must first obtain the floor by being recognized by the chair. The chair must recognize any member who seeks the floor when appropriately entitled to do so.

C. Motions.

The chair or any member of the Council or board may bring any matter of business appearing on the agenda before the body by making a motion. The chair shall open the matter for debate, offering the first opportunity to debate to the moving party and, thereafter, to any other member properly recognized by the chair. Once the matter has been fully debated and seconded and the chair calls for a vote, no further debate will be allowed; provided, however, Council or board members may be allowed to explain their vote. The person making the motion shall have the privilege of closing debate.

D. Voting.

All members present at a meeting shall vote when the question is called, subject to the provisions of Lodi Municipal Code Section 2.04.140.

E. Procedural Rules of Order.

Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion. These motions take precedence over the main motion and, if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the chair or any Council or board member at any appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are non-debatable; the last four are debatable.

SUBSIDIARY MOTIONS:

1. Lay on the Table. Any member may move to lay the matter under discussion on the table. The motion temporarily suspends any further discussion or the pending motion without setting a time certain to resume debate. It must be moved and seconded and passed by a majority vote. To bring the matter back before the body, a member must move that the matter be taken from the table, seconded, and passed by a majority. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the body; otherwise, the motion that was tabled dies, although, it can be raised later as a new motion.
2. Move Previous Question. Any member may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A two-thirds vote is required for passage.
3. Limit or Extend Limits of Debate. Any member may move to put limits on or extend the length of debate. The motion must be made and seconded and requires a two-thirds vote to pass.
4. Postpone to a Time Certain. Any member may move to postpone the pending motion to a time certain. This motion continues the pending main motion to a future date as determined by the Council or board at the time the motion is passed. The motion must be seconded and requires a majority vote for passage.
5. Commit or Refer. Any member may move that the matter being discussed should be referred to a committee, commission, or staff for further study. The motion must be seconded and requires a majority vote for passage. The motion may contain directions for the committee or commission, as well as a date upon which the matter will be returned to the Council or board's agenda. If no date is set for returning the item to the Council or board's agenda, any member may move, at any time, to require the item be returned to the agenda. The motion must be seconded and a majority vote is required for passage if the item is to come back at a future date certain, or a two-thirds vote if the item is to be immediately discussed by the Council or board at the time the motion to return is made.

6. Amend. Any member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. A motion to amend must be seconded and requires a majority vote for passage. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the chair.
7. Postpone Indefinitely. Any member may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter. The motion must be seconded and requires a majority vote for passage.

F. Motions of Privilege, Order, and Convenience.

The following actions by the Council or board are to insure orderly conduct of meetings and for the convenience of the members. These motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted.

1. Call for Orders of the Day. Any member may demand that the agenda be followed in the order stated therein. No second is required and the chair must comply unless the Council or board, by majority vote, sets aside the orders of the day.
2. Question of Privilege. Any member, at any time during the meeting, may make a request of the chair to accommodate the needs of the body or his/her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the chair.
3. Recess. Any member may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.
4. Adjourn. Any member may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.
5. Point of Order. Any member may require the chair to enforce the rules of the Council or board by raising a point of order. The point of order shall be ruled upon by the chair.
6. Appeal. Should any member be dissatisfied with a ruling from the chair, he/she may move to appeal the ruling to the full Council or board. The motion must be seconded to put it before the Council or board. A majority vote in the negative or a tie vote sustains the ruling of the chair. The motion is debatable and the chair may participate in the debate.

7. Suspend the Rules. Any member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a two-thirds vote is required for passage.
8. Division of Question. Any member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.
9. Reconsider. Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Council or board may reconsider any vote taken at the same session, but no later than the same or next regular meeting, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be made by a member who voted on the prevailing side, must be seconded, and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.
10. Rescind, Repeal, or Annul. The Council or board may rescind, repeal, or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal, or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

G. Authority of the Chair.

Subject to appeal, the chair shall be the chief parliamentarian, rule on points of order, **and shall have the authority to prevent the misuse of** the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the Council or board by ruling such motions out of order. In so ruling, the chair shall be courteous and fair and should presume that the moving party is making the motion in good faith.

H. Public Hearings.

Matters which are required to be heard at a noticed public hearing shall be conducted in the following manner.

1. Time for Consideration. Matters noticed to be heard by the Council or board shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

2. Continuance of Hearings. Any hearing being held or noticed or ordered to be held by the Council or board at any meeting may, by order or notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided herein for adjourned meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or notice of continuance was adopted or made.
3. Public Discussion at Hearings. When a matter for public hearing comes before the body, the chair shall open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the chair shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his/her presence known to the chair and upon being recognized by the chair, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the chair. Members who wish to ask questions of the speakers or each other during the public hearing portion, may do so but only after first being recognized by the chair. The chair shall conduct the meeting in such a manner as to afford due process. Time limits may be established by the chair, limiting the duration of presentations as set forth in these rules.

All persons interested in the matter being heard shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk or secretary of the board as part of the record. No person shall be permitted during the hearing to speak about matters or present evidence which are not germane to the matter being considered. A determination of relevance shall be made by the chair, but may be appealed as set forth in these rules.

4. Consideration of Question by Council or Board. After all members of the **public** desiring to **speak upon the subject of the hearing have been given** an opportunity to do so, the public hearing shall be closed by the chair, and the body may consider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the chair, to speak further on the question during this period of deliberation: although, the members may ask questions of the speakers if so desired. At the conclusion of discussion and appropriate motion having been made and seconded, the body shall vote on the matter.

i. New Business: Introduction.

During Council meetings, no new business on the agenda (except closed sessions) shall be considered after 11:00 p.m. without two-thirds vote of the Council. Any new business remaining on the agenda shall be carried over to the next regular Council meeting.

J. Quorum: Majority: Two-Thirds Vote: Determination.

As used in this resolution or in the application of Lodi Municipal Code Chapter 2.04, the following definitions shall apply:

1. "Quorum" shall mean a simple majority of the total number of all persons on such body.
2. "Majority" shall mean the majority of members actually present at a meeting.
3. "Two-thirds vote" shall mean two-thirds vote of the members actually present, rounded up or to the next number if less than a whole person. Two-thirds of four members shall be three members: two-thirds of five members shall be four members: etc.

- K. The City Attorney shall review the City Council Agenda prior to its distribution to Council and note all Quasi Judicial items thereon. When the City Council or commission acts in an adjudicatory or quasi-judicial capacity, each member must (1) disclose on the record the nature and substance of any ex parte communications relating to the matter; and (2) provide interested parties full and fair opportunity to rebut or explain the information obtained from those communications.

SECTION 2. This Resolution shall become effective immediately.

Dated: February 15, 2006

=====

I hereby certify that Resolution No. 2006-31 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 15, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Johnson, Mounce,
and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON

City Clerk

2006-31

RESOLUTION NO. 2004-115

A RESOLUTION OF THE LODI CITY COUNCIL
ADOPTING THE CITY OF LODI CODE OF ETHICS AND VALUES

BE IT RESOLVED that the City of Lodi Code of Ethics and Values, as shown on Exhibit A attached hereto, is hereby adopted by the City Council of the City of Lodi to be effective immediately; and

FURTHER RESOLVED that this resolution shall apply to Lodi City Council Members and City Council Appointees (i.e. City Manager, City Attorney, and City Clerk).

Dated: June 2, 2004

I hereby certify that Resolution No. 2004-115 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 2, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk



CITY OF LODI Code of Ethics and Values

EXHIBIT A

PREAMBLE

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Lodi has adopted this Code of Ethics and Values to promote and maintain the highest standards of personal professional conduct in the City's government. All elected and appointed officials are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its eight core values in their work. Because we seek public confidence in the City's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

**1. As a representative of the City of Lodi, I will be ethical.
In practice, this value looks like:**

- a) I am trustworthy, acting with the utmost integrity and moral courage.
- b) I am truthful, do what I say I will do, and am dependable.
- c) I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interest that impair my independence of judgment or action.
- d) I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- e) I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions.
- f) I show respect for persons, confidences, and information designated as "confidential" to the extent permitted by California law.
- g) I use my title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

**2. As a representative of the City of Lodi, I will be professional.
In practice, this value looks like:**

- a) I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- b) I approach my job and work-related relationships with a positive attitude.
- c) I keep my professional knowledge and skills current and growing.

**3. As a representative of the City of Lodi, I will be service-oriented.
In practice, this value looks like:**

- a) I provide friendly, receptive, courteous service to everyone.
- b) I am attuned to, and care about, the needs and issues of citizens, public officials, and City workers.
- c) In my interactions with constituents, I am interested, engaged, and responsive.

**4. As a representative of the City of Lodi, I will be fiscally responsible.
In practice, this value looks like:**

- a) I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.
- b) I demonstrate concern for the proper use of City assets (e.g. personnel, time, property, equipment, and funds) and follow established procedures.
- c) I make good financial decisions that seek to preserve programs and services for City residents.

**5. As a representative of the City of Lodi, I will be organized.
In practice, this value looks like:**

- a) I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short- and long-term goals.
- b) I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
- c) I am respectful of established City processes and guidelines.

**6. As a representative of the City of Lodi, I will be communicative.
In practice, this value looks like:**

- a) I convey the City's care for and commitment to its citizens.
- b) I communicate in various ways that I am approachable, open-minded, and willing to participate in dialog.
- c) I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response, which adds value to conversations.

**7. As a representative of the City of Lodi, I will be collaborative.
In practice, this value looks like:**

- a) I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b) I work toward consensus-building and gain value from diverse opinions.
- c) I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- d) I consider the broader regional and state-wide implications of the City's decisions and issues.

**8. As a representative of the City of Lodi, I will be progressive.
In practice, this value looks like:**

- a) I exhibit a proactive, innovative approach to setting goals and conducting the City's business.
- b) I display a style that maintains consistent standards, but is also sensitive to the need to compromise, "thinking outside the box," and improving existing paradigms when necessary.
- c) I promote intelligent and thoughtful innovation in order to forward the City's policy agenda and City services.

RESOLUTION NO. 2009-146

A RESOLUTION OF THE LODI CITY
COUNCIL ADOPTING POLICY REGARDING
LEGISLATIVE INVOCATIONS BEFORE
MEETINGS OF THE LODI CITY COUNCIL

=====

The Lodi City Council ("the Council") is an elected legislative and deliberative public body, serving the citizens of Lodi, California, and after hearing makes the following findings:

WHEREAS, the Council wishes to maintain a tradition of solemnizing its proceedings by allowing for a pluralistic call to civic responsibility according to the faiths or beliefs of Lodi's citizens (the "Invocation") before each meeting, for the benefit of the Council; and

WHEREAS, the Council now desires to adopt this formal, written policy to clarify and codify its Invocation practices and amend the Council Protocol Manual adopted by Resolution No. 2006-45 accordingly; and

WHEREAS, in *Marsh v. Chambers*, 463 U.S. 783 (1983), the United States Supreme Court rejected a challenge to the Nebraska Legislature's practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically concluded, "The opening sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom." *Id.*, at 786; and

WHEREAS, the United States Supreme Court has determined, "The content of [such] prayer is not of concern to judges where. . .there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief." *Marsh*, 463 U. S. at 794-795. Thus, *Marsh* focuses on exploitation of the prayer opportunity and efforts, direct or not, to proselytize; to promote or sell a particular religion; and

WHEREAS, in *Simpson v. Chesterfield County Bd. of Supervisors*, 404 F.3d 276 (4th Cir. 2004), *cert. denied*, the United States Court of Appeals for the Fourth Circuit reviewed and specifically approved as constitutional the prayer policy of a county board, and made a number of findings about the policy; and

WHEREAS, the Council acknowledges the general guidance provided by the Fourth Circuit's findings in *Simpson*, including the fact that the policy there:

(1) Allowed for invocations for the benefit of the legislative body itself "rather than for the individual leading the invocation or for those who might also be present," *Id.*, at 284; and

(2) Established a practice in which various clergy in the county's religious community were invited on a rotating basis to present invocations before meetings of the board; *Id.*, at 279; and

(3) Thus, “made plain that [the county board] was not affiliated with any one specific faith” by allowing different persons from different religious convictions and backgrounds to offer the invocations. *Id.*, at 286; and

WHEREAS, in *Pelphrey v. Cobb County, Georgia*, 547 F.3d 1263, 1271 (11th Cir. 2008), the Eleventh Circuit embarked on a thorough and scholarly examination of the *Marsh* test for invocations when it affirmed as constitutional the invocation policy of a county commission. In so doing, the Eleventh Circuit reached very similar findings as to those of the Fourth Circuit in *Simpson*, and the Council finds its findings also provide useful guidance:

(1) The *Marsh* Court considered several factors to determine whether the legislative prayers at issue had been exploited to advance one faith in violation of the Establishment Clause - the Court weighed the chaplain's religious affiliation, his tenure before the legislative body, and the overall nature of his prayers. *Marsh*, 463 U.S. at 792-95. The “nonsectarian” nature of a chaplain's prayers is but one factor in this fact-intensive analysis and it does not form the basis for a bright-line rule. *Pelphrey*, 547 F.3d at 1271; and

(2) An invocation policy which results in prayers from speakers from a wide cross section of a municipality's religious leaders (i.e., leaders of Christian, Jewish, Muslim and Unitarian faiths), and which allows prayers that include specific references from each of the various faiths, does not advance, proselytize or disparage any particular religious faith. *Id.* at 1277-1278; and

WHEREAS, the Council notes that the Ninth Circuit, in an unpublished decision, has also acknowledged that a policy for invocations that, “as is traditional in Congress, rotate[s] among leaders of different faiths, sects, and denominations” may pass constitutional muster due to the fact that such a policy does not proselytize or disparage any particular religious belief. *Bacus v. Palo Verde Unified School District Board of Education*, 52 Fed.Appx. 355, 356 (9th Cir.2002); and

WHEREAS, the Council acknowledges the decision of California Second District Court of Appeal in *Rubin v. City of Burbank*, 101 Cal.App.4th 1194 (2002), which found illegal an invocation policy that allowed references to particular faiths. However, the Council believes the *Rubin* holding does not apply to the policy set forth herein because:

(1) The *Rubin* policy was not open to all religious groups within the City of Burbank; and

(2) The *Rubin* policy was not open to non-religious groups; and

(3) Appearances under the *Rubin* policy were controlled by a pastoral association; and

(4) The *Rubin* Invocation was given during the Council meeting;

WHEREAS, invocations consistent with the policy adopted herein are currently offered before the United States House of Representatives, United States Senate, and the California Senate; and

WHEREAS, the Council intends and has intended in past practice, to adopt a policy that does not proselytize, advance or disparage any particular faith or religious

belief or show any purposeful preference of one religious view to the exclusion of others; and

WHEREAS, the Council recognizes its constitutional duty to interpret, construe, and amend its policies and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, the Council accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United State Constitution and the Constitution of the State of California.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the Council hereby adopts the following written policy regarding legislative invocations before meetings of the Council, to wit:

1. In order to solemnize proceedings of the Council, it is the policy of the Council to allow for a legislative invocation (the "Invocation") to be offered before its meetings for the benefit of the Council. The Invocation shall be given in the manner of a "Call to Civic Responsibility" encouraging the Council to consider the City's business with open minds and make just, wise and compassionate decisions.

2. The Invocation shall occur at 6:55 p.m. prior to the opening and noticed start time of the Council's meeting and shall be listed on the agenda.

3. No member or employee of the Council or any other person in attendance at the meeting shall be required to participate in any Invocation that is offered.

4. The Invocation shall be voluntarily delivered by an eligible person as detailed below. To ensure that such person (the "Invocation Speaker") is selected from among a wide pool on a rotating basis, the Invocation Speaker shall be selected according to the following procedure:

- a. The City Clerk (the "Clerk") shall compile and maintain a database (the "Invocation List") of the religious congregations and secular groups with an established presence within and around the City of Lodi.
- b. The Invocation List shall be compiled by referencing the listing for "churches," "congregations," or other religious assemblies and nonprofit civic groups in the annual Yellow Page phone book(s) published for the City of Lodi, research from the Internet, and consultation with local Chambers of Commerce. All religious and secular groups with an established presence in the local community of Lodi including Lodi citizens who must leave Lodi to attend a house of worship are eligible to be included in the Invocation List. Any such group not otherwise identified for participation may request its inclusion by specific written communication to the Clerk.
- c. This policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious and secular group within and around the City of Lodi. The Invocation List is to be compiled and used for purposes of logistics, efficiency and equal opportunity for all who may choose to participate in the Invocation.

- d. The Invocation List shall also include the name and contact information of any chaplain who may serve one or more of the fire departments or law enforcement agencies of the City of Lodi.
 - e. The Invocation List shall be updated annually, by reasonable efforts of the Clerk.
 - f. Within thirty (30) days of the effective date of this policy, and annually each calendar year thereafter, the Clerk shall mail an invitation addressed to each group listed on the Invocation List, as well as to the individual chaplains included on the Invocation List.
 - g. Respondents to the invitation letter shall be scheduled on a first-come, first-serve basis to deliver the Invocation.
5. No Invocation Speaker shall receive compensation for his or her service.
6. The Clerk shall make every reasonable effort to ensure that the eligible Invocation Speakers that are scheduled to give the Invocation before the Council meetings represent a variety of view points from within and around the City of Lodi. In any event, no Invocation Speaker shall be scheduled to offer an Invocation at consecutive meetings of the Council, or at more than two (2) Council meetings in any calendar year.
7. Neither the Council nor the Clerk shall engage in any prior inquiry, review of, or involvement in, the content of any Invocation. Moreover, the Invocation may be given in a manner that respectfully references the faith or beliefs of the Invocation Speaker. However, no Invocation Speaker shall give an Invocation that seeks to: 1) convert those present to a particular religious belief or seeks to demean a particular religious belief or lack thereof; 2) advocates a political agenda; or 3) asserts the accuracy, inaccuracy, or primacy of any religious belief or lack thereof. Invocation Speakers who violate this policy shall be permanently removed from the Invocation List and their Invocation may be interrupted and terminated by the Mayor.
8. Shortly before the opening gavel that officially begins the meeting and the agenda/business of the public, the Mayor shall introduce the Invocation Speaker, and invite only those who wish to do so to stand for those observances given for the benefit of the Council.
9. In the event that the Invocation Speaker does not or cannot appear as scheduled, or in the event that no Invocation Speaker has volunteered or been scheduled for a particular Council meeting, shortly before the opening gavel that officially begins the meeting and the agenda/business of the public, the Mayor shall announce a moment of silence for individual reflection; and invite only those who wish to do so to stand for those observances given for the benefit of the Council.
10. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Council with, nor express the Council's preference for or against, any faith or religious denomination, belief, affiliation or lack thereof. Rather, this policy is intended to acknowledge and express the

Council's respect for the diversity of religious and non-religious thought represented and practiced among the citizens within and around the City of Lodi.

- 1 ■ . To clarify the Council's intentions, as stated herein above, the following disclaimer shall be included in at least 10 point font under the Invocation Agenda Item:

"Invocations may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. Invocations are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Invocation Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any Invocation Speaker or religious organization."

NOW, THEREFORE, BE IT FURTHER RESOLVED that this policy shall become effective immediately.

Dated: October 21, 2009

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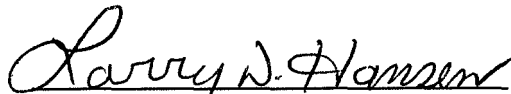
I hereby certify that Resolution No. 2009-146 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 21, 2009, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Johnson, Katzakian, Mounce,
and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


LARRY D. HANSEN
Mayor

Attest:



RANDI JOHL
City Clerk



Commissioner's Handbook



“A Guide for Community Volunteers”

Prepared by:
Office of the City Clerk
City of Lodi
221 W. Pine Street
P.O. Box 3006
Lodi, CA 95241-1910
cityclerk@lodi.gov

CITY OF LODI
COMMISSIONER'S HANDBOOK

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INTRODUCTION

Congratulations on your recent appointment to one of the City of Lodi's commissions! Your appointment is an honor and reflects the City Council's confidence in your ability and judgment. The City Council and staff look forward to working with you and to receiving the benefit of your insight and guidance during the process of decision making. As a member of a City commission, you have the opportunity to help mold Lodi's future.

This Handbook has been prepared to help orient you concerning the functions and activities of the commission to which you have been appointed. The Handbook is designed to contribute to your general knowledge and understanding of public affairs and to aid in identifying the scope and parameters of your duties and responsibilities. It is also part of an effort to make it as easy as possible for you to enjoy the experience of serving on a City commission.

We hope that this Handbook will provide you with the necessary information to understand the role of your commission and your responsibilities as a member of the same.

While participation on a City commission is a major responsibility, we hope that it will prove to be a meaningful and rewarding experience for you. City service provides opportunities to gain a greater understanding of the issues facing municipal government and to become actively involved in resolving those issues in a manner that reflects the best interests of the community.

Each description of a law or legal requirement in these materials is intentionally brief. Any questions regarding this information and requests for additional information should be directed first to your Staff Liaison and then to the City Attorney's Office.

We hope that you enjoy your tenure as a vital part of the City's team and sincerely thank you for your willingness to devote your time and energy to serve your community.

NOTE: For purposes of this Handbook, the term "commission" shall refer to all City boards, commissions, committees, and task forces and "commissioners" shall refer to members of City boards, commissions, committees, and task forces.

COMMISSION APPOINTMENT PROCESS AND REMOVAL

The City of Lodi commission appointment process and removal of members described below is an excerpt from the City Council Protocol Manual.

Appointment

Resolution No. 2003-156, adopted by the Lodi City Council on August 20, 2003, establishes the policy regarding appointment of persons to membership on a City board, committee, and commission (hereinafter "Commission"). Commission applicants, with the exception of the Greater Lodi Area Youth Commission, must be registered voters of San Joaquin County; Lodi Arts Commission applicants must be registered voters of the City of Lodi (Res. 2017-208); and Site Plan and Architectural Review Committee applicants must be registered voters of the City of Lodi. Pursuant to LMC Section 2.16.010, "Established—Appointment," Planning Commission applicants must be registered voters of the City of Lodi. Those applicants not meeting these requirements will be notified by the City Clerk's Office that their application does not meet specifications and cannot be considered for appointment. Applications are to be accepted by the City Clerk for 30 days and shall remain valid and on file for one year. Exception: Full-time and part-time City employees are prohibited from serving on a commission.

Those seeking appointment to a commission must submit an application to the City Clerk's Office. Those commissioners whose terms have expired must submit a new application (terms are not automatically renewed), and the City Clerk will notify said commissioners with a letter and new application form. Following the close of the 30-day application period, copies of all applications will be provided to Council Members for informational purposes, as well as to the appropriate staff liaisons, who will be asked to provide feedback on each candidate, including those seeking reappointment.

The Mayor shall conduct interviews and submit recommendation(s) for appointment to the City Clerk's Office for placement on the City Council agenda for motion action. Exception: The Greater Lodi Area Youth Commission may conduct independent interviews of all applicants, providing the Mayor with a ranking of the top ten, which he/she shall use in selecting qualified candidates.

Following Council appointment, the successful candidate(s) will be notified by the City Clerk's Office via letter of the appointment, Conflict of Interest ~ Form 700 filing obligation (if required), mandatory AB1234 ethics training and compliance, Oath of Office form, and Commissioner's Handbook. Copies of the letter and completed application form(s) will be forwarded to the appropriate staff liaison, who will contact the successful candidate(s) regarding meeting dates and times and responsibilities. The City Clerk's Office will notify the unsuccessful candidates of the outcome and confirm the status of their application (i.e. currently valid; has or about to expire; etc.).

The appointed commissioners assume office at the time the Oath of Office form is completed and submitted to the City Clerk's Office. Newly-appointed commissioners are not permitted to participate in commission meetings or activities until the Oath is filed. Failure to comply with this requirement within 30 days will cause the seat to be unfilled, and the City Clerk shall post for the vacancy at the next regularly-scheduled Council meeting pursuant to the Council's Protocol Manual guidelines.

Appointed commissioners serve without compensation except as Council may prescribe from time to time by resolution or ordinance. (EXCEPTION: Planning Commissioners receive compensation pursuant to LMC Section 2.16.020 – Compensation.)

Appointees to all City boards and commissions are required to receive mandatory AB1234 ethics training within 30 days of appointment (and by December 31 of even-numbered years thereafter) and submit a completed Proof of Participation Certificate to the City Clerk (EXCEPTION: Greater Lodi Area Youth Commissioners ~ Student Appointees). The City Clerk shall notify appointed commissioners via letter of available training opportunities. Appointees cannot receive compensation, stipend, or training reimbursement until AB1234 ethics training is completed. Failure to comply with the mandatory ethics training will result in the appointee's removal from the commission.

Some appointees will be required to complete a Conflict of Interest ~ Form 700 ~ Assuming Office Statement within 30 days of taking office. The City Clerk shall notify appointees of this filing requirement and provide the necessary forms. Those who do not comply with the Form 700 obligation will be subject to applicable rules, penalties, and fines as set forth by the Fair Political Practices Commission. Filers have the option to file electronically through the City's electronic filing system, NetFile; however, to ensure reporting continuity, once a statement, report, or other document is filed electronically on behalf of any filer, all future reports and other documents filed on behalf of that filer must be filed electronically.

Commissioners appointed to a vacated seat or unexpired term shall serve out the remainder of the term, unless said term is due to expire within six months of the appointment date. In that case, the term shall automatically be extended by the commission's stated term limit.

Removal

An individual appointed by the City Council to a commission shall continue to serve as a member thereof except when:

1. The individual's term of office expires and a different individual has been appointed. If the incumbent individual applied for reappointment, he/she may continue to serve in the office until appointment of a different individual is made, even after the term expires. If not, the incumbent may only serve until the expiration date of the term of office.
2. The individual voluntarily resigns from the commission.
3. The individual no longer resides and/or is a registered voter within the required jurisdiction.
4. The individual fails to attend three (3) consecutive meetings of the commission and does not have prior approval for said absences by way of a majority action of the commission. In such case, the commission shall vote to recommend that Council remove the member and post for the vacancy, which the City Clerk will submit to Council at its next regularly-scheduled meeting.
5. The individual fails to comply with the mandatory AB1234 ethics training by December 31 of even-numbered years. In such case, a non-compliance letter will be mailed the first week of January by the City Clerk to the individual providing 30 days to conform and submit the certification. At the conclusion of the 30-day period, the City Clerk will notify the individual that if the required training and certification is not completed within 10 days, the seat will be vacated and the City Clerk will place an item on the next regularly-scheduled City Council agenda to declare the position vacant and post for the open seat.

A majority vote of the City Council may remove any member of a commission for any reason including, but not limited to, incompetence, inability to work productively with fellow commissioners, conduct unbecoming a public official, violating the City's Conflict of Interest Code, failing to comply with statutory requirements, or failing to attend fifty percent (50%) of commission

meetings in a calendar year. Conduct unbecoming a public official includes the conduct that any reasonable commissioner would know is incompatible to public service, would indicate a lack of fitness to perform the functions of a commissioner, or would discredit or cause embarrassment to the City.

Any member of the City Council may initiate an individual's removal from a commission by requesting that consideration of the individual's removal be placed on the Council's agenda at a regular or special meeting for discussion and potential action. The City Clerk shall notify the person affected of the time and place of the meeting. When the item is on the City Council agenda, the City Council may, by majority vote, remove the individual from a commission.

At the beginning of each year, the City Clerk will place an item on the Council's agenda to report on attendance, AB1234 ethics training and compliance, and Statement of Economic Interest ~ Form 700 compliance for each commissioner.

CODE OF ETHICS AND VALUES

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Lodi adopted a Code of Ethics and Values (Resolution No. 2004-115) on June 2, 2004, to promote and maintain the highest standards of personal professional conduct in the City's government. Commissioners shall value and recognize the importance of the trust invested in them by the public to accomplish the business of the City and shall accord the utmost courtesy to each other, to City employees, and to the public appearing before them. At all times, commissioners in the minority on an issue shall respect the decision and authority of the majority.

City of Lodi commissioners vow to be:

Ethical ~ Act with utmost integrity and moral courage; be truthful, making impartial decisions; be fair, extending equal opportunities and due process to all parties; and be respectful for persons, confidences, and information designated as "confidential" to the extent permitted by California law.

Professional ~ Apply knowledge and expertise to assigned activities and interpersonal relationships; approach the job and work-related relationships with a positive attitude; and keep professional knowledge and skills current and growing.

Service-oriented ~ Provide friendly, receptive, courteous service; care about the needs and issues of citizens, public officials, and City workers; and be interested, engaged, and responsive.

Fiscally responsible ~ Make decisions after prudent consideration of financial impact, long-term financial needs of the City, and its financial stability; demonstrate concern for proper use of City assets and follow established procedures; and make good financial decisions that seek to preserve programs and services for City residents.

Organized ~ Act in efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short- and long-term goals; keep others informed and respond in a timely fashion; and be respectful of established City processes and guidelines.

Communicative ~ Convey City's care for and commitment to citizens; be approachable, open-minded, and willing to participate in dialog; and engage in effective two-way communication.

Collaborative ~ Act in a cooperative manner with groups and other individuals; work together in a spirit of tolerance and understanding; work toward consensus-building and gain value from diverse opinions; and accomplish goals and responsibilities, while respecting role as a member of a team.

Progressive ~ Exhibit proactive, innovative approach to setting goals and conducting the City's business; display a style that maintains consistent standards, but is also sensitive to the need to compromise and "thinking outside the box"; and promote intelligent and thoughtful innovation in order to forward the City's policy agenda and services.

MANDATORY AB1234 ETHICS TRAINING

Government Code sections 53235 and 53235.1 state that, if a local agency provides compensation, salary, or a stipend to a member of a legislative body or reimbursement for expenses incurred by a member of a legislative body in the performance of official duties, then all local agency officials shall receive two-hour training in ethics. The City of Lodi provides a training opportunity in December of even-numbered years; the League of California Cities and other agencies offer training opportunities through conferences; and on-line training is available through sources such as Fair Political Practices Commission and the Institute of Local Government.

The City Council mandates that the following positions, commissions, and/or individuals are required to receive ethics training upon being hired or appointed and by December 31 of even-numbered years thereafter: City Council Members; City Council Appointees (i.e. City Manager, City Attorney, City Clerk); Executive Managers; members of all boards and commissions (EXCEPTION: Greater Lodi Area Youth Commissioners ~ Student Appointees).

To view Government Code Article 2.4, Ethics Training [sections 53234-53235.2], in its entirety, visit www.leginfo.ca.gov/.

MISSION STATEMENT / GOALS AND PRIORITIES

City of Lodi Mission Statement

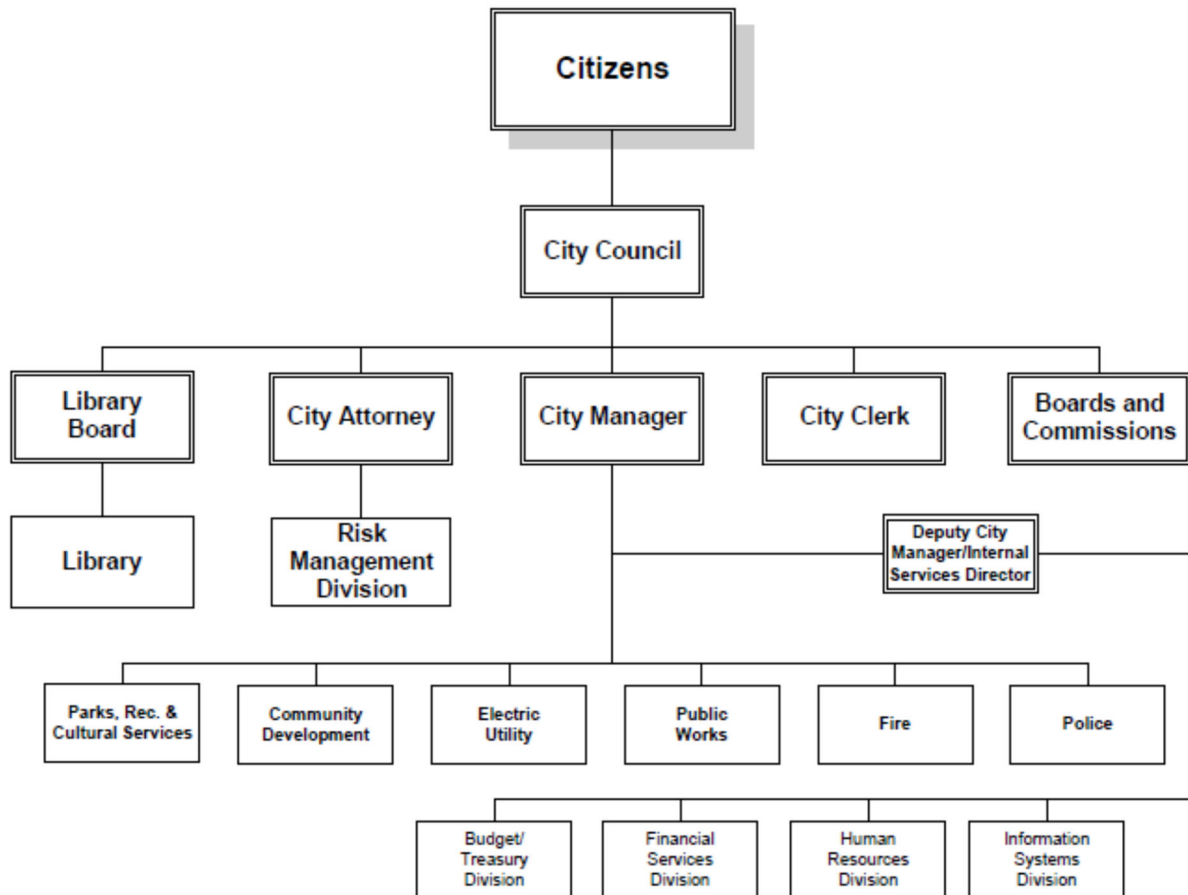
“The City of Lodi’s purpose is to enhance the quality of life for Lodi residents reflecting our high community standards.”

City Council Goals and Priorities

- Economic Development, including "shovel-ready" land and incentive program to focus on underutilized parcels
- Public Safety, Gang Reduction Intervention Program, training, and increase in staffing
- Fiscal sustainability, asset preservation, CalPERS and Other Post-Employment Benefits
- East Side Rehabilitation, incentive programs, and infrastructure
- Addressing homelessness issues
- Providing Downtown WiFi internet and music
- Beautification of highway overpasses

City Organizational Chart

City of Lodi



CITY DEPARTMENTS AND COMMISSION LIAISONS / CONTACT INFORMATION

DEPARTMENT HEADS

TITLE	NAME	PHONE NO.	E-MAIL
City Manager	Stephen Schwabauer	209-333-6700	sschwabauer@lodi.gov
City Attorney	Janice D. Magdich	209-333-6701	jmagdich@lodi.gov
City Clerk	Jennifer M. Ferraiolo	209-333-6702	jferraiolo@lodi.gov
Deputy City Manager	Andrew Keys	209-333-6700	akeys@lodi.gov
Public Works Director	Charlie Swimley	209-333-6706	cswimley@lodi.gov
Community Development Director	Stephen Schwabauer	209-333-6711	sschwabauer@lodi.gov
Police Chief	Tod Patterson	209-333-6725	tpatterson@lodi.gov
Fire Chief	Gene Stoddart	209-333-6739	estoddart@lodi.gov
Electric Utility Director	Jeff Berkheimer	209-333-6762	jberkheimer@lodi.gov
Parks, Recreation, and Cultural Services Director	Jeff Hood	209-333-6742	jhood@lodi.gov
Library Services Director	Anwan Baker	209-333-5566	abaker@lodi.gov

COMMISSION LIAISONS

TITLE	NAME	PHONE NO.	E-MAIL
Greater Lodi Area Youth Commission	Jennifer Winn Recreation Manager	209-333-6891	jwinn@lodi.gov
Library Board of Trustees	Anwan Baker Library Services Director	209-333-5566	abaker@lodi.gov
Lodi Arts Commission	Jennifer Winn Recreation Manager	209-333-6891	jwinn@lodi.gov
Lodi Improvement Committee	Patrice Clemons CDBG Program Specialist	209-333-6711	pclemons@lodi.gov
Lodi Senior Citizens Commission	Jennifer Winn Recreation Manager	209-333-6891	jwinn@lodi.gov
Measure L Citizens' Oversight Committee	Andrew Keys Deputy City Manager	209-333-6700	akeys@lodi.gov
Parks and Recreation Commission	Jeff Hood PRCS Director	209-333-6742	jhood@lodi.gov
Personnel Board of Review	Jennifer Ferraiolo City Clerk	209-333-6702	jferraiolo@lodi.gov
Planning Commission	Kari Chadwick Community Dev. Secretary	209-333-6711	kchadwick@lodi.gov
Site Plan and Architectural Review Committee	Kari Chadwick Community Dev. Secretary	209-333-6711	kchadwick@lodi.gov

COMMISSION AND MEETING INFORMATION

The following is a list of City Council appointed commissions:

TITLE	NO. OF MEMBERS	MEETING LOCATION	MEETING TIMES	LENGTH OF TERM
Greater Lodi Area Youth Commission ~ Adult Advisors	6	Hutchins Street Square ~ Cottage Room	2 nd Monday of each month at 7 p.m.	3 years
Greater Lodi Area Youth Commission ~ Student Members	9			2 years
Library Board of Trustees	5	Lodi Public Library ~ Community Room	2 nd Monday of each month at 5:30 p.m.	3 years
Lodi Arts Commission	7 <i>2 ex-officio members*</i>	Carnegie Forum Council Chambers	2 nd Wednesday of each month at 12:00 p.m.	3 years
Lodi Improvement Committee	7	Carnegie Forum Council Chambers	2 nd Tuesday of each month at 6:00 p.m.	3 years
Lodi Senior Citizens Commission	7	Hutchins Street Square ~ Senior Center	1 st Thursday of each month at 8 a.m.	4 years
Measure L Citizens' Oversight Committee	5	Carnegie Forum Council Chambers	Meets at least three times per year	3 years (2 term limit)
Parks and Recreation Commission	5	Carnegie Forum Council Chambers	1 st Tuesday of each month at 7:00 p.m.	4 years
Personnel Board of Review	5	Carnegie Forum Council Chambers	As needed	3 years
Planning Commission	7	Carnegie Forum Council Chambers	2 nd and 4 th Wednesdays of each month at 7:00 p.m.	4 years
Site Plan and Architectural Review Committee	5	Carnegie Forum Council Chambers	2 nd and 4 th Wednesday of each month at 5:15 p.m.	4 years

**Lodi Arts Commission also has 2 ex-officio members from Parks and Recreation Commission, Planning Commission, or SPARC – these members have voting rights to select public art projects; however, they do not count for quorum purposes.*

Meeting Location Addresses

- Carnegie Forum ~ 305 W. Pine Street, Lodi
- Hutchins Street Square ~ 125 S. Hutchins Street, Lodi
- Lodi Public Library ~ 201 W. Locust Street, Lodi

Greater Lodi Area Youth Commission

Establishment: The six Adult Advisors and nine Student Members of the Greater Lodi Area Youth Commission are appointed by the Lodi City Council. Adult Advisors serve three-year terms, and Student Members serve two-year terms. Adult Advisors on the Greater Lodi Area Youth Commission must be registered to vote in San Joaquin County at the time of application. There is no registration requirement for Student Members, and membership is open to junior high and high school students living within the Lodi Unified School District boundaries. The authority for the Greater Lodi Area Youth Commission is Resolution 2015-06.

Purpose: The purpose of the Greater Lodi Area Youth Commission is to affect positive growth in young adults through a variety of activities that will generate interest and participation within the community. Adult Advisors provide guidance and mentorship of commission members and assist them with programs intended to enhance the lives of our community's younger residents. Student Members work with other youth, under the guidance of volunteer Adult Advisors, to develop engaging programs that provide entertainment, recreation, personal development, and promote volunteerism.

Library Board of Trustees

Establishment: The five members of the Library Board of Trustees are appointed by the Lodi City Council and serve three-year terms. Members of the Library Board of Trustees must be registered to vote in San Joaquin County at the time of application. The authority for the Library Board of Trustees is the Education Code sections 18910-18927. These members are identified in the City of Lodi's Conflict of Interest Code and file annual statements of economic interests with the City Clerk's Office.

Purpose: The purpose of the Library Board of Trustees is to manage the Lodi Public Library; set policy and budget guidelines; review and act on proposals; and advocate on behalf of the library to government officials at all levels.

Lodi Arts Commission

Establishment: The seven members of the Lodi Arts Commission are appointed by the Lodi City Council and serve three-year terms. Additionally, there are two ex-officio members appointed from the Parks and Recreation Commission, Planning Commission, or the Site Plan and Architectural Review Committee (see *Art in Public Places* below for further information). Members of the Lodi Arts Commission must be registered to vote in the City of Lodi at the time of application. The authority for the Lodi Arts Commission is Resolution 2017-208. These members are identified in the City of Lodi's Conflict of Interest Code and file annual statements of economic interests with the City Clerk's Office.

Art in Public Places: In 2001, the Lodi City Council established an Art in Public Places program, along with an Art Advisory Board, to help the City select and install artwork for public projects. Funding for Art in Public Places comes from developers' fees designated for Lodi's environmental enrichment. The Board was responsible for reviewing proposed public art projects and assuring they are high-quality, as well as recommending and approving artworks and artists for the Art in Public Place Program. In 2017, the Art Advisory Board was abolished and folded in with the Lodi Arts Commission by adding two ex-officio members representing the Parks and Recreation Commission, Planning Commission, or Site Plan and Architectural Review Committee.

Projects: Art in Public Places projects include sidewalk mosaics, art bike racks, bronze sculptures on loan in the downtown area, and the painted traffic control boxes located throughout the City.

Purpose: The purpose of the Lodi Arts Commission is to inspire, encourage and promote the arts in the community. In addition, the Arts Commission oversees the City's public art program, and recommends the distribution of annual arts grants awarded by the City Council. The Commission assists the Lodi Arts Foundation to raise funds to advance the goals and objectives of the Lodi Arts Commission.

Lodi Improvement Committee

Establishment: The seven members of the Lodi Improvement Committee are appointed by the Lodi City Council and serve three-year terms. Members of the Lodi Improvement Committee must be registered to vote in San Joaquin County at the time of application. The authority for the Lodi Improvement Committee is Resolution 2018-89. These members are identified in the City of Lodi's Conflict of Interest Code and file annual statements of economic interests with the City Clerk's Office.

Purpose: The purpose of the Lodi Improvement Committee is to maintain and improve the quality of life and appearance of Lodi by the coordinated efforts of a broad spectrum of the community.

Lodi Senior Citizens Commission

Establishment: The seven members of the Lodi Senior Citizens Commission are appointed by the Lodi City Council and serve four-year terms. Members of the Lodi Senior Citizens Commission must be registered to vote in San Joaquin County at the time of application. The authority for the Lodi Senior Citizens Commission is Resolution 85-165.

Purpose: The purpose of the Lodi Senior Citizens Commission is to advise the City Council and City staff on all matters relating to policies and programs that will serve all senior citizens of the community. This includes collecting public comment and other information to determine the needs of seniors in the community, and promoting programs that accomplish that goal.

Measure L Citizens' Oversight Committee

Establishment: The five members of the Measure L Citizens' Oversight Committee are appointed by the Lodi City Council and serve three-year terms with a limit of two terms. Members of the Measure L Citizens' Oversight Committee must be registered to vote in the City of Lodi at the time of application. Additionally, pursuant to Lodi Municipal Code Section 3.30.150, members of the Measure L Citizens' Oversight Committee cannot be current employees, current City officials (including board and commission members), current contractors or vendors, or past employees, contractors or vendors deemed to have conflicts of interest as determined by the City Attorney. The authority for the Measure L Citizens' Oversight Committee is Ordinance 1953. These members are identified in the City of Lodi's Conflict of Interest Code and file annual statements of economic interests with the City Clerk's Office.

Purpose: The purpose of the Measure L Citizens' Oversight Committee is to review the annual accountability performance report relating to the 2018 general retail transactions and use tax and report its findings to the City Council and citizens of the City.

Parks and Recreation Commission

Establishment: The five members of the Parks and Recreation Commission are appointed by the Lodi City Council and serve four-year terms. Members of the Parks and Recreation Commission must be registered to vote in San Joaquin County at the time of application. The authority for the Parks and Recreation Commission is Resolution 3293. These members are identified in the City of Lodi's Conflict of Interest Code and file annual statements of economic interests with the City Clerk's Office.

Purpose: The purpose of the Parks and Recreation Commission is to advise City Council regarding parks, recreation, and leisure activities that would interest or impact the community. In addition, the Commission advises the Council on fees, any changes to the Lodi Municipal Code that affect park operations, prioritizing capital expenditures, and other matters that affect the public's use and enjoyment of City parks and recreational facilities while providing a forum for public engagement.

Personnel Board of Review

Establishment: The five members of the Personnel Board of Review are appointed by the Lodi City Council and serve three-year terms. Members of the Personnel Board of Review must be registered to vote in San Joaquin County at the time of application. The authority for the Personnel Board of Review is Lodi Municipal Code Chapter 2.44, Article II, "Personnel Board of Review."

Purpose: The purpose of the Personnel Board of Review, which was established by the personnel system ordinance, is to hear and determine appeals of unrepresented City employees.

Planning Commission

Establishment: The seven members of the Planning Commission are appointed by the Lodi City Council and serve four-year terms. Members of the Planning Commission must be registered to vote in the City of Lodi at the time of application. The authority for the Planning Commission is Ordinance 1736. These members are identified in Government Code Section 87200 and file annual statements of economic interests with the Fair Political Practices Commission, as well as the City Clerk's Office.

Purpose: The purpose of the Planning Commission is to review changes to the City's General Plan and zoning regulations to ensure the development in Lodi is of the highest quality and to provide recommendations to Council on matters dealing with community development.

Site Plan and Architectural Review Committee

Establishment: The five members of the Site Plan and Architectural Review Committee are appointed by the Lodi City Council and serve four-year terms. One of the five members is a representative from the Planning Commission. Members of the Site Plan and Architectural Review Committee must be registered to vote in the City of Lodi at the time of application. The authority for the Site Plan and Architectural Review Committee is Lodi Municipal Code Section 17.66.050. These members are identified in the City of Lodi's Conflict of Interest Code and file annual statements of economic interests with the City Clerk's Office.

Purpose: The purpose of the Site Plan and Architectural Review Committee is to assist the Planning Commission in reviewing site plans and architectural drawings in order to determine compliance with zoning ordinances and to promote the orderly development of the City as set forth in Lodi Municipal Code Chapter 17.01.

ROLES

City commissions serve as advisory bodies to facilitate public input and citizen participation in the determination of public policies. This is accomplished by formulating recommended courses of action and policy to the City Council with whom final determination rests.

City Council's roles are as follows:

- Make policy
- Direct City Manager to carry out policy
- Solicit input from commissions on issues in their various functional areas unless there are legal or time constraints

Commission's roles are as follows:

- Advise Council on policy that assists Council in carrying out its responsibilities (NOTE: The Planning Commission – LMC Chapter 2.16, "Planning Commission" – has authority to make final determination in applicable circumstances, see LMC Title 17, "Development Code")
- Provide citizen input by being positive representatives of Council and the community

Staff's roles are as follows:

- Research and investigate issues, prepare alternatives and recommendations for commission and Council review, and implement Council policy decisions
- Provide Staff Liaison and clerical support to the commission under the guidance of the Department Head (and ultimately, the City Manager)

The Advisory Role

Ad hoc committees are formed for a specific purpose and dissolve after completing their mission. Standing commissions, however, are an integral part of the governmental structure.

If the organization is to function effectively, there must be clarity, understanding, and acceptance of the roles assigned to the elected body, commissioners, and staff. If advisory board members stray from their original charge and get into areas that rightfully belong to staff or elected officials, confusion, inaction, or destructive conflict can result.

COMMISSION NORMS

As in all working teams, there are written and unwritten rules (norms) that commissioners should follow. Some examples of commission norms are as follows:

- Do your homework.
- Explain actions in concise thoughts.
- Complement colleagues and staff whenever an opportunity arises.
- Where applicable, try to involve residents in a solution.
- Work for consensus on important issues.
- Always be on time for meetings.
- Be attentive.
- Do not criticize staff or others in public.
- Only speak on issues if you have something to add.
- Actions, including voting practices, are governed by ethical and moral principles and beliefs.

RESPONSIBILITIES OF COMMISSIONERS

While specific duties of each City commission vary widely with the purpose for which it is formed, there are certain responsibilities that are common to all members. The following is a summary of those responsibilities:

- Understand the role and scope of responsibility – be informed of the individual commission's objectives, scope of responsibility, and operating procedures.
- Be careful to represent the majority views of your individual commission. Individual "opinions" to the public and press on decisions of the commission are discouraged, but, if given, should be identified as being the personal perspective of the commissioner speaking as a "private citizen."
- Members should represent the public interest and not special interest groups.
- Members are in a unique position of serving as a liaison between the City and its citizens and can help to reconcile contradictory viewpoints and to build a consensus around common goals and objectives. Members serve as a communication link between the community, Staff, and City, presenting City programs and recommendations and providing a channel for citizen expression.
- Do your homework and be thorough in recommendations – review items prior to the meeting in order to be fully prepared to discuss, evaluate, and act on all matters scheduled for consideration. Conclusions based on same will strengthen the value of the group's recommendations.
- Supportive relationships with the City Council and City staff are essential for successful operation of any commission. The proper channel to contact City personnel on items of consideration is through the designated City Staff Liaison providing staff support for your commission.
- Establish a good working relationship with fellow commissioners – respect individual viewpoints, allow other members time to present their views fully before making comments, be open and honest, welcome new members, and strive to minimize political action on issues.
- Council appointments to commissions are made without regard to political party affiliation. Members are not restricted from participating in political activities; however, members may not use or involve their membership on their respective commission in the conduct of political activities.
- Members should make a good faith effort to attend all scheduled meetings and notify the City Staff Liaison if they will be absent.

As an appointed member to a City commission, it is important to comply with the following requirements in order to remain in good standing as a member:

- All commissioners must file an Oath of Office form with the City Clerk's Office within 30 days of appointment (and reappointment) and prior to participating in any commission meetings or activities.
- All commissioners must comply with AB1234 ethics training specified by Government Code section 53235 within 30 days of assuming office and thereafter by December 31 of even-numbered years.
- Commissioners must comply with Fair Political Practices Commission regulations pertaining to Conflict of Interest ~ Form 700s and are required to file an Assuming and Leaving Office Statement within 30 days of assuming or leaving office and annually thereafter by April 1.

Any member who fails to comply with the foregoing will be removed from the commission. On an annual basis, the City Clerk will report to Council on each member's attendance record and compliance with AB1234 ethics training and Statement of Economic Interest ~ Form 700 completion.

RELATIONSHIPS

Working Relationships

In public statements or interactions, individual commission members should present views and recommendations representing the commission as a body – not personal individual views. Members expressing views not approved by the majority of a commission should clearly express that their opinions reflect their personal perspective as a “private citizen.” Individual opinions must be identified as such. Public statements should not include promises that may be construed to be binding on the commission, City Council, or Staff. When making a public statement, if applicable, members should indicate that commission actions are recommendations and that final action will be taken by the City Council. Commission members may be selected on the basis of representing defined groups; however, each member should represent the overall “public good,” not an exclusive group or special interest.

Basic Guidelines

Commission members should work to establish good relationships with other commission members. The success or failure of commission efforts may be dependent upon the degree of cooperation evident among the individual members of the body.

Relationships with Other Commission Members

The association with other commission members is very important as you serve on a commission. Before talking about relationships, it may be well to point out a few facts about commission members. Commission members come from various backgrounds – educational, occupational, religious, social, economic, physical, and cultural – and differences do exist. It is important to recognize that the reasons for serving on a commission will vary and perhaps some will have a special interest. Each member will contribute in his/her own way and is an important part of the decision-making process. Do not expect every member to give of his/her time, talent, and knowledge to the same degree. Some will give more and others will give less, but in the end the community will benefit. Bearing this in mind, the following may serve as a guideline:

- Always respect other individuals’ viewpoints even though they may be opposite of your own.
- Allow the other individual to articulate his/her own views and then attempt to make an objective evaluation of those views.
- Evaluation of other members’ viewpoints should be based on what is best for the total community and for all concerned.
- There will be times when political action among the commission is apparent; strive to minimize that whenever possible.
- Be open and honest at all times.
- Each commissioner has the responsibility to recognize new members and see that they are made welcome, become oriented, and receive training.

Relationships with Council

The purpose of commissions are to expand the opportunity for citizen input and participation, study issues, and make recommendations to the City Council. As an advisor to the City Council, commissions must be continually aware that the decisions formed by the Council, even after receiving and evaluating the recommendations from the various advisory bodies, are not easily made.

The Council possesses the ultimate political and legal responsibility for the conduct of local government and the overall welfare of the community. It is important to recognize that not all of the recommendations made by the various commissions will be accepted by the City Council. Council actions that vary from commission recommendation do not imply a lack of confidence or disinterest in the advisory bodies' decisions. Council Members must weigh the advice provided by advisory bodies against a broader scope of considerations as they reach the decisions for which they are responsible.

Although a commission may disagree with the final decision that Council makes on an issue, the commission should not act in any manner contrary to the established policy adopted by the City Council.

Commissioners are expected to recognize the following items:

- The commission should assist the City Council in developing public trust in the advisory commission system; and
- The commission should be sensitive to City priorities and know when to take a stand.

Commissioners may address the Council on items discussed by their respective bodies but should be limited to the chair or a representative that has been appointed by the commission. This will not take precedence over any individual's first amendment right to address the Council as an individual.

Members of the City Council should not attempt to influence or publicly criticize commission recommendations, or to influence or lobby individual commission members on any item under their consideration. It is important for commissions to be able to make objective recommendations to the City Council on items before them. An exception to the Brown Act allows a legislative body majority to attend an open and noticed meeting of a standing committee of the legislative body provided that the legislative body members who are not members of the standing committee attend only as observers, meaning that they cannot speak or otherwise participate in the meeting.

Relationships with Staff and Staff Liaison

The City Council, through the City Manager, shall make certain that all Council-appointed commissions are properly instructed in their assigned scope of work and responsibility. The expected output of their effort shall be clearly defined. Commissions are responsible for keeping the Council informed about issues being considered and their progress. Commissions are responsible for advising the Council of any need for information or more specific instructions and shall obtain Council concurrence before they proceed in any direction different from the original instructions of the Council.

The Staff Liaison assigned to a commission provides basic support and technical advice for the commission. Staff handles administrative duties, prepares meeting agendas, staff reports, and records minutes. Commissions may not direct Staff to initiate programs, conduct major studies, or establish official policy without the approval of the City Council.

Commissioners should feel free to contact the Staff Liaison for inquiries and/or support purposes. It should be understood, however, that commissioners are responsible for all commission work. Staff Liaisons will provide direction and guidance, as well as clerical and/or organizational or administrative support to commissions on an as-needed basis.

Relationships with Public

Commission members serve as a liaison between the City and the general public. Thus, each member functions as a communication link between the community and the City, explaining City programs and recommendations, as well as providing a channel for citizen expression.

Commission meetings should be conducted in a manner that is conducive to a productive exchange of ideas and perspectives. A non-threatening atmosphere should be prevalent and steps should be taken to ensure that members of the public are free to express their views without fear of ridicule or belittlement by anyone with an opposing viewpoint.

Commissioners should conduct themselves in a manner that demonstrates fairness and professionalism. Members should be considerate of all interests and value differences of opinion. Additionally, members should remain open-minded, objective, and make no judgment or engage in any partisan position until all of the available evidence pertaining to an issue has been submitted. Common courtesy is expected from City representatives at all levels of the organization.

It is important to recognize that as a commissioner your actions and comments are often interpreted to be that of the entire commission, Staff, or the City. A commissioner's comments to the press or other public utterances are sometimes misinterpreted even though you state that you are speaking for yourself. They may be at odds with the commission's goals, objectives, or overall policy. It is very important that an individual be clear when stating a personal opinion.

Members of the public are also expected to conform to an acceptable standard of conduct. Any person who willfully interrupts a public meeting or acts so as to render the orderly conduct of the meeting infeasible may be barred from further attendance at the meeting by the Chair. An individual so barred may not return for the remainder of the meeting unless permission is granted by a majority vote of the commission.

The following guidelines are offered:

- There should be no promises made to the public that are binding on the commission, Staff, or City Council.
- Comments to the public and the press must be factual.
- The commissioners have an obligation to listen to comments or complaints of the public.

City commissions are not involved in the administration or operation of City departments. City Staff reports to the Department Head, who in turn reports to the City Manager. It is, therefore, the responsibility of the Department Head and/or City Manager to allocate Staff time and efforts and direct the priority of the work.

Staff members are not considered members of a commission and have no power to vote in commission matters. Because of their support position, Staff does not respond to questions from the public at a meeting unless requested to do so by the Chair.

City Staff serves commissions in an advisory capacity – much the same as the commission serves the Council. Staff members are selected on the basis of their technical and professional abilities and are expected to provide commissions with recommendations based upon their professional analysis of the situation, regardless of personal opinion or consideration of political consequence. It is not expected that every Staff recommendation will be followed; however, because of Staff's technical expertise, full consideration should be given to its recommendation.

Commissioners should be aware of Staff's responsibility to also provide professional advice to the City Council. In instances where a Staff member disagrees with a commission's recommendation, he/she is obligated to advise the City Council, through the City Manager or a subsequent staff report, of his/her technical recommendation. The City Council values both the opinion of the commission, as well as Staff since Staff expresses its opinion from a strictly technical perspective, while commissions may provide counsel and advice on the issue's practical application.

MEETING BASICS

Preparation for Meetings

- Be prepared. Thoroughly review the agenda packet, including agenda reports, and any other materials *before* the meeting. The issues that come before advisory bodies are important to the community as a whole and demand your constant attention. In agreeing to serve on a commission, you make a commitment to put in the time required to prepare fully for each meeting.
- Understand what action you are being asked to take regarding each particular agenda item.
- If you have questions regarding the agenda or agenda report, contact your Staff Liaison before the meeting to clarify questions or request further information.
- Know the responsibilities of your commission, as well as the limitations of your individual authority. As a member of a commission, you will, among other things, be asked to provide recommendations to the City Council about specific issues. Keep in mind that your appointment does not empower you to supervise City Staff.
- Keep an open mind. An objective, balanced, and receptive approach will help you assess the facets of a given issue and evaluate new ideas. When receiving written and oral public testimony, it will be necessary to discern between fact and opinion, as well as between those concerns which are relevant and those which are secondary to the issue at hand. Keeping an open mind will make it easier for you to understand all sides of an issue before you make a judgment or take a position.
- Strive to appreciate differences in approach and point of view. Likewise, take care to articulate your own ideas; remember that your individual voice is a critical part of the whole dialogue. Again furthering common goals takes cooperation, flexibility, and a broad-based view of the public interest. If in doubt, return to the foundational documents to guide your understanding of the complexities of an issue.
- If you are unsure about something *during* the meeting, ask for clarification. On behalf of the public, your understanding of issues is important. Each commission has a City Staff Liaison to provide information to assist the members throughout the decision-making process.
- E-mail communications can ultimately lead to the exchange of information intended to create collective concurrence among a quorum of commission members in violation of the Ralph M. Brown Act. Therefore, e-mail communications between commission members relative to commission business should be avoided. While less than a quorum, for example, may appropriately communicate with one another by way of e-mail, the “forwarding” of such an e-mail message on to an additional member would result in a Brown Act violation.
- The applicant has the right to an efficient process. Unreasonable delay or lack of action is unacceptable. If necessary, make a recommendation and move along.

Attendance

All commission members are requested to contact their Staff Liaison prior to a meeting if they are unable to attend. Commissioners who fail to attend three consecutive meetings of the commission and do not have prior approval for the absences may be removed from the commission.

RULES OF DEBATE (RESOLUTION 2006-31)

Resolution 2006-31, adopted by the Lodi City Council on February 15, 2006, sets forth the rules of conduct and debate for City Council, boards, commissions, committees, and task forces. The resolution, in part, is set forth below:

A. Presiding Officer May Debate.

The Mayor or presiding officer may move, second, and debate from the chair, subject only to such limitations of debate as are by these rules established. The chair shall not be deprived of any of the rights and privileges of a Council or board member by reason of being the presiding officer.

B. Obtaining The Floor.

Any member of the Council or board wishing to speak must first obtain the floor by being recognized by the chair. The chair must recognize any member who seeks the floor when appropriately entitled to do so.

C. Motions.

The chair or any member of the Council or board may bring any matter of business appearing on the agenda before the body by making a motion. The chair shall open the matter for debate, offering the first opportunity to debate to the moving party and, thereafter, to any other member properly recognized by the chair. Once the matter has been fully debated and seconded and the chair calls for a vote, no further debate will be allowed; provided, however, Council or board members may be allowed to explain their vote. The person making the motion shall have the privilege of closing debate.

D. Voting.

All members present at a meeting shall vote when the question is called, subject to the provisions of Lodi Municipal Code Section 2.04.140.

E. Procedural Rules of Order.

Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion. These motions take precedence over the main motion and, if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the chair or any Council or board member at any appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are non-debatable; the last four are debatable.

SUBSIDIARY MOTIONS:

1. Lay on the Table. Any member may move to lay the matter under discussion on the table. The motion temporarily suspends any further discussion or the pending motion without setting a time certain to resume debate. It must be moved and seconded and passed by a majority vote. To bring the matter back before the body, a member must move that the matter be taken from the table, seconded, and passed by a majority. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the body; otherwise, the motion that was tabled dies, although, it can be raised later as a new motion.

2. Move Previous Question. Any member may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A two-thirds vote is required for passage.

3. Limit or Extend Limits of Debate. Any member may move to put limits on or extend the length of debate. The motion must be made and seconded and requires a two-thirds vote to pass.

4. Postpone to a Time Certain. Any member may move to postpone the pending motion to a time certain. This motion continues the pending main motion to a future date as determined by the Council or board at the time the motion is passed. The motion must be seconded and requires a majority vote for passage.

5. Commit or Refer. Any member may move that the matter being discussed should be referred to a committee, commission, or staff for further study. The motion must be seconded and requires a majority vote for passage. The motion may contain directions for the committee or commission, as well as a date upon which the matter will be returned to the Council or board's agenda. If no date is set for returning the item to the Council or board's agenda, any member may move, at any time, to require the item be returned to the agenda. The motion must be seconded and a majority vote is required for passage if the item is to come back at a future date certain, or a two-thirds vote if the item is to be immediately discussed by the Council or board at the time the motion to return is made.

6. Amend. Any member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. A motion to amend must be seconded and requires a majority vote for passage. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the chair.

7. Postpone Indefinitely. Any member may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter. The motion must be seconded and requires a majority vote for passage.

F. Motions of Privilege, Order, and Convenience.

The following actions by the Council or board are to insure orderly conduct of meetings and for the convenience of the members. These motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted.

1. Call for Orders of the Day. Any member may demand that the agenda be followed in the order stated therein. No second is required and the chair must comply unless the Council or board, by majority vote, sets aside the orders of the day.

2. Question of Privilege. Any member, at any time during the meeting, may make a request of the chair to accommodate the needs of the body or his/her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the chair.

3. Recess. Any member may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.

4. Adjourn. Any member may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.

5. Point of Order. Any member may require the chair to enforce the rules of the Council or board by raising a point of order. The point of order shall be ruled upon by the chair.

6. Appeal. Should any member be dissatisfied with a ruling from the chair, he/she may move to appeal the ruling to the full Council or board. The motion must be seconded to put it before the Council or board. A majority vote in the negative or a tie vote sustains the ruling of the chair. The motion is debatable and the chair may participate in the debate.

7. Suspend the Rules. Any member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a two-thirds vote is required for passage.

8. Division of Question. Any member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.

9. Reconsider. Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Council or board may reconsider any vote taken at the same session, but no later than the same or next regular meeting, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be made by a member who voted on the prevailing side, must be seconded, and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

10. Rescind, Repeal, or Annul. The Council or board may rescind, repeal, or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal, or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

G. Authority of the Chair.

Subject to appeal, the chair shall be the chief parliamentarian, rule on points of order, and shall have the authority to prevent the misuse of the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the Council or board by ruling such motions out of order. In so ruling, the chair shall be courteous and fair and should presume that the moving party is making the motion in good faith.

H. Public Hearings.

Matters which are required to be heard at a noticed public hearing shall be conducted in the following manner.

1. Time for Consideration. Matters noticed to be heard by the Council or board shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

2. Continuance of Hearings. Any hearing being held or noticed or ordered to be held by the Council or board at any meeting may, by order or notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided herein for adjourned meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or notice of continuance was adopted or made.

3. Public Discussion at Hearings. When a matter for public hearing comes before the body, the chair shall open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the chair shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his/her presence known to the chair and upon being recognized by the chair, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the chair. Members who wish to ask questions of the speakers or each other during the public hearing portion, may do so but only after first being recognized by the chair. The chair shall conduct the meeting in such a manner as to afford due process. Time limits may be established by the chair, limiting the duration of presentations as set forth in these rules.

All persons interested in the matter being heard shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk or secretary of the board as part of the record. No person shall be permitted during the hearing to speak about matters or present evidence which are not germane to the matter being considered. A determination of relevance shall be made by the chair, but may be appealed as set forth in these rules.

4. Consideration of Question by Council or Board. After all members of the public desiring to speak upon the subject of the hearing have been given an opportunity to do so, the public hearing shall be closed by the chair, and the body may consider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the chair, to speak further on the question during this period of deliberation; although, the members may ask questions of the speakers if so desired. At the conclusion of discussion and appropriate motion having been made and seconded, the body shall vote on the matter.

In addition to the approved Rules of Conduct, the following is provided as a reminder of guidelines to follow to ensure public meetings proceed smoothly:

Chair

The Chair may debate and may make or second motions. The Chair is subject to the limitations of debate that are imposed on all members and shall not be deprived of any of the rights and privileges of a member.

Commission Members

Every commission member desiring to speak shall address the Chair. Upon recognition by the Chair, the member shall confine comments to the question under debate, avoiding all undignified language and references to personalities and abiding by the following rules of civil debate. A member, once recognized, shall not be interrupted except according to rules of parliamentary procedure (e.g. point of order, question of privilege, etc.).

Public meetings will proceed smoothly if all participants keep the following tenets in mind:

- We may disagree, but we will be respectful of one another.
- All comments will be directed to the issue at hand.
- Personal attacks shall be avoided. They are unacceptable and may result in termination from an appointed position.

Addressing Commission from the Floor

Any person desiring to address the commission shall first secure permission from the Chair. Any commission member may also request of the Chair that a member of the public be recognized to speak.

Remarks should be directed to the matter being considered.

Individuals addressing the commission are requested to give their name in an audible tone of voice for the record and fill out a speaker card if provided. They are not, however, required to provide their name or complete a speaker card. Any applicable time limit shall be as stated on the agenda, or as directed by the Chair.

All remarks shall be addressed to the commission as a whole and not to any individual member or to members of the audience. Without the permission of the Chair, only members and the person addressing the commission shall be permitted to enter into any discussion; however, while commission members may ask speakers questions, they should not debate matters with them.

Addressing the Commission after Motion Made

After a motion is made by the commission, no person shall address the commission in regard to that topic except upon request of the Chair, or a member of the commission through the Chair.

DECORUM IN MEETINGS

Proceedings

- Start meetings on time. Keep the agenda in mind in order to give each item the appropriate time.
- Announce at the start of a meeting if the order of agenda items is to be rearranged for convenience, for response to those attending only for certain items, or for better pacing of the agenda.
- Let the Chair run the meeting.
- Be fair, impartial, and respectful of the public, Staff, and each other.
- Give your full attention when others speak.
- Learn to trust your own good judgment on decisions.
- Remember that people may be attending a meeting for the first time, and may be unfamiliar with the procedures. In your discussions, either avoid or explain technical items or verbal shorthand.
- Listen to audience concerns. Don't engage in side conversations or otherwise be distracted during public testimony. The opportunity for public testimony is central to the strength of democracy and is therefore encouraged. Active listening, however, does not mean engaging the public in debate. Your response is appropriately saved for after the public testimony is closed.
- Close the public testimony before beginning deliberation on an issue.
- Sometimes questions can most effectively focus and direct decision-making. For example:

For Staff:

- What is the history behind this item?
- What are the benefits and drawbacks?
- What other alternatives did you consider?
- Is it within this body's scope of responsibility? If not, would it be best referred to another commission, Council, or Staff?

For other commission members:

- What do you think about this item?
- What have you heard from the residents?
- What would it take for you to support this?

For the public:

- What are your concerns?
- How will this proposal affect you?
- What specific, constructive alternatives can you recommend?
- How does the public comment or question relate to the decision at hand?

For yourself:

- What are we trying to accomplish?
- What are the long-range interests of the community?
- What guidance can be found in our foundational documents?

- Often you must balance multiple views, neither favoring nor ignoring one individual or group over another. Your obligation is to represent a broad-based view of the community's long-range interests.
- Remember that your commission exists to take actions and/or make recommendations. It is not simply a discussion group or debating society.
- Endeavor to end meetings at a reasonable hour. Short breaks may be helpful during long meetings. Extending the meeting beyond an appointed hour may be subjected to a vote when that hour nears.

Managing Difficult Meetings

From time to time, commissions are faced with conducting highly-charged, controversial meetings. These meetings may involve one unified group or two or more conflicting groups. The group demeanor may be characterized by aggressiveness and hostility. Such meetings really test the mettle of the commission and Staff. Consider the following:

Before the Meeting

- Make agendas and back-up reports easily available to participants.
- Make sure adequate seating is available. Consider moving to larger quarters if necessary.
- Make sure sound and recording equipment is adequate and operational, if applicable.
- Chair and Staff should engage in contingency planning before the meeting.

During the Meeting

- Establish and announce rules at the beginning of the meeting.
- Before public comment, ask the participants to designate one or more spokespersons, if possible. This may help reduce redundancy and make sure that all sides of the issue will be heard.
- Explain the issues, the possible actions, and the procedures that will be followed at the meeting.
- Have speakers address the commission and not the audience. Some speakers are very adept at inciting audiences, especially if they are permitted to face the audience.
- Stop clapping and shouting early. Explain the reasons why such actions are disruptive and counterproductive. For instance, the meeting should provide a forum for all points of view and such displays of support or opposition could intimidate those with an opposing point of view from speaking. In addition, such displays delay the discussion.
- Don't hesitate to use recesses to help diffuse hostility or aggressiveness.
- Consider limiting speakers to a set time such as three to five minutes. If such a procedure is used, make sure it is applied fairly and consistently.
- Consider using speaker cards. These can help identify how many people wish to speak and also whether they support or contest an issue. They are also invaluable in recording the names and addresses of speakers. Recognize, however, that if a person does not wish to fill out a card or give their name, they still have the legal right to speak.
- Make sure commissioners address colleagues and not the audience. Directly addressing the audience can result in loss of control of the meeting. In limited instances it may, however, be appropriate to address the public – for instance to explain an issue or to note that the concerns have been understood.
- Continue items that cannot be decided at the meeting. This does not preclude the commission from allowing anyone who wishes to speak on the issue to do so.

CONFLICTS OF INTEREST

The City of Lodi has adopted a Conflict of Interest Code in accordance with State law, that states no person shall make or participate in a governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.

The City Attorney is available to help commission members decide if they have a conflict and should abstain from participation on any issue. There may be instances where a financial conflict of interest is not the issue, but rather a member may have an appearance of bias or bias conflict. Again, the City Attorney is available to provide guidance in determining whether a commission member should disqualify himself/herself from acting on an item. In these instances, members should recuse themselves from voting using the phrase, “...to avoid the appearance of impropriety...” and leave the room until the matter is concluded. However, note that commissioners can comment on the matter as a member of the public.

In addition, commission members may be required by the City's Conflict of Interest Code to declare personal financial information by filing a Statement of Economic Interest ~ Form 700. Those advisory bodies whose members are required to do so are listed below:

Library Board of Trustees
Lodi Arts Commission
Lodi Improvement Committee
Measure L Citizens' Oversight Committee
Parks and Recreation Commission
Planning Commission*
Site Plan and Architectural Review Committee
**Required by Government Code 87200*

Upon appointment, the City Clerk shall provide the commission member with the documents necessary for filing. Those who do not comply with this obligation will be subject to the rules, penalties, and fines, as set forth by the Fair Political Practices Commission. Filers have the option to file electronically through the City's electronic filing system, NetFile; however, to ensure reporting continuity, once a statement, report, or other document is filed electronically on behalf of any filer, all future reports and other documents filed on behalf of that filer must be filed electronically.

To view the City of Lodi's Conflict of Interest Code, visit the City of Lodi's website at: www.lodi.gov/164/Fair-Political-Practices-Commission-Agen.

To learn more about the Fair Political Practices Commission (FPPC) and the Statement of Economic Interest ~ Form 700, visit FPPC's website at: www.fppc.ca.gov/.

RALPH M. BROWN ACT

The Ralph M. Brown Act, commonly referred to as the “Brown Act,” is California’s “sunshine” law for local government. It is codified in the California Government Code beginning at section 54950.

The Brown Act mandates that local government business be conducted at open and public meetings, except in certain limited situations (i.e. closed sessions). The central provision of the Brown Act requires all “meetings” of a “legislative body” to be open and public. The Brown Act broadly defines the term “meeting” to include any congregation of a majority of the members of a particular legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body. The City Council is a “legislative body” as are other commissions of the City (i.e. Lodi Arts Commission, Parks and Recreation Commission, Planning Commission, etc.). Under the Brown Act, a majority of the members of the legislative body are prohibited from discussing, deliberating about, or developing a collective concurrence regarding any item that is within the legislative body’s jurisdiction except as part of a duly noticed public meeting. The purpose of these provisions is to ensure that local governing bodies deliberate in public.

The Brown Act also requires that the public be given notice of the time and place meetings are held. As a general rule, a legislative body may not act on or discuss any item that does not appear on the agenda posted for the meeting. There are, however, certain exceptions to this rule. In addition, the Brown Act protects the public’s right to attend and participate in meetings. The Brown Act requires that an agenda allow for two types of public comment periods. The first is a general audience comment period where the public can comment on any item of interest that is within the subject matter jurisdiction of the legislative body. The second type of public comment period is the specific comment period pertaining to items on the agenda. The Brown Act requires a legislative body to allow members of the public to comment on agenda items either before or during the body’s consideration of that item.

The City Attorney should be consulted on any Brown Act questions or concerns and may from time to time conduct Brown Act workshops or provide materials concerning the Brown Act for new commissioners.

To view Government Code Chapter 9, Meetings [sections 54950-54963], in its entirety, visit www.leginfo.legislature.ca.gov/.

For additional Brown Act resources, including the most recent publication of “Open & Pubic: A Guide to the Ralph M. Brown Act,” visit the League of California Cities website at: www.cacities.org/Resources/Open-Government.

CONCLUSION

There is no desire on the part of the City Council or City Staff to control a member's independent thought or judgment. The City Council appoints only those persons who have knowledge, ability, and interest in the commission's purposes so that their contributions will be of assistance. All suggestions and ideas are most welcome, whether presented as a citizen, a commissioner, or as a majority vote of a commission; however, commission membership limits a member's freedom of advocacy before the City Council or other commissions on those issues that are to be considered by the member's commission so that the member can hear the item with an impartial mind; the recommendation of the commission to the City Council will include the positions of all members.

A commission is created as an advisory arm of the City Council as the result of a policy decision (or in the case of the Planning Commission by State statute). Each has been charged with responsibilities in specified areas. It may be that a member may disagree with an established policy. This is part of the democratic process, as is the expression of that disagreement in a minority vote. In spite of conflicting viewpoints, however, it is the process of addressing the issues that is served by commission action.

The City is proud of its citizen participation and extends a hearty welcome to all commission appointees.

APPENDIX

CITY AT A GLANCE

(as of January 1, 2019)

Website	www.lodi.gov
Population	68,272
Area (square miles)	13.98 (including White Slough) 12.36 (without White Slough)
Developed Parks	27
City Parks Open Space Acreage (Existing and Planned)	415
Full-time City Employees	377
Part-time City Employees	306
LUSD Schools	Elementary 32 Middle 7 High School 7 Other 7

HISTORICAL INFORMATION / FACTS

Incorporated as a Municipal Corporation	December 3, 1906
City's Centennial Celebration <i>Celebrated at Lodi Woman's Club</i>	December 6, 2006
Official City Flower <i>Council approved 11/20/02</i>	Rose
Official City Motto <i>Council approved 3/29/06</i>	"Livable, Lovable Lodi"
Official City Tree <i>Council approved 10/07/98</i>	Crepe Myrtle
City Facilities	
(Renovation Completed) City Hall	1996
(Rededication) Carnegie Forum	August 15, 1989
(Final Project Completion) Hutchins Street Square	1998
(Dedication) Lodi Police Department	December 22, 2003
(Project Completed) City Parking Garage	2002
(Dedication) Lodi All Veterans Plaza	May 22, 2002
(Rededication) Lodi Mission (Bear) Arch <i>Originally built 1907</i>	June 14, 2001
(Dedication) Lodi Gateway Arch	October 8, 1998



Review Proposed City Council Protocol Manual
Amendments and **NEW** *“Commissioner’s
Handbook: A Guide for Community Volunteers”*

Shirtsleeve Session
October 29, 2019

Agenda

- History of City Council Protocol Manual
- Review Proposed Changes
- Introduce **NEW** Commissioner's Handbook
- Steps Taken, Recommendation, and Next Steps



History of City Council Protocol Manual

- “*City Manager’s Work Plan*” – to create comprehensive manual of standard operating procedures and written principles to guide Council action and direct staff in relationship to supporting Council;
- Clerk’s Office took on project – researched other cities, prepared draft, and reviewed by Council at two Shirtsleeve Sessions;
- Resolution 2006-45 – approved City Council Protocol Manual and authorized City Clerk to make administrative changes to remain current with federal, state, and local law;
- March 2006 to Present - periodic reviews to ensure document is current, and Council actions to update the Manual;
- Reference Table of Amendments (Appendix); and
- 2019 – complete overhaul of Manual.



City Council Protocol Manual



Prepared by:
Office of the City Clerk
City of Lodi
221 W. Pine Street
P.O. Box 3006
Lodi, CA 95241-1910
cityclerk@lodi.gov

Review Proposed Changes

Administrative changes, including, but not limited to:

- Updated resolution and ordinance numbers, as well as respective adoption dates;
- Reflected changes to rules/processes based on Council action (i.e. Arts Commissioners registered in Lodi vs. San Joaquin County; preparation of action minutes vs. comprehensive summary minutes);
- Incorporated **NEW** Commissioner's Handbook;
- Agenda posting locations;
- Agency meetings (i.e. elimination of RDA and addition of LPFA).

Review Proposed Changes (cont'd.)

Incorporation/updates to current practices, including, but not limited to:

- Reorganization date on election years;
- Annual reporting of commission attendance/FPFC/Ethics compliance;
- Annual confirmation of Council service on boards and commissions;
- Annual recognition of board/commission members;
- How we adjourn meetings in memory of individuals;
- How Council receives agenda/packets;
- How items are placed on agenda by public; and
- Designating quasi-judicial public hearings on the agenda.

Review Proposed Changes (cont'd.)

Section 2.8 – added AB1234 Mandatory Ethics Training

- Added definition and mandatory for Council Members, Council Appointees, Executive Managers, and members of all boards and commissions (EXCEPTION: Greater Lodi Area Youth Commissioners ~ Student Appointees).

➡ *Current City practice is to require training for Council Members, Council Appointees, Executive Managers, and Planning, SPARC, Recreation, and Library members.*

Section 2.9 – added AB1661 Sexual Harassment Prevention Training

- Added definition and mandatory for local agency officials, including Council, to receive training within first six months of taking office and every two years thereafter.

Review Proposed Changes (cont'd.)

Section 5 – updated *Commissions*

- Added requirement that commissioners cannot participate in commission meetings until Oath of Office is submitted to City Clerk's Office. Failure to comply within 30 days of appointment (including reappointment) will result in removal from the commission.
- Added mandatory AB1234 Ethics training for all commissioners (except YC). Failure to comply with training within 30 days of appointment will result in removal from the commission. For sitting commissioners, failure to comply with training by December 31 of even-numbered years will result in removal from the commission, following adequate notification.
- Memorialized practice that commissioners appointed to vacated seat or unexpired term will serve out the remainder of the term, unless it is due to expire within six months of the appointment date, in which case, it will automatically extend to the commission's stated term limit.

Review Proposed Changes (cont'd.)

Sections 6.3l & 6.4c – provided additional language re: speaker time limits

- Firmed up five-minute time limit on agendized items and added Mayor's right to limit speaking times and/or prohibit ceding/yielding time (i.e. controversial issues, large number of speakers, etc.).

Section 6.3l – added policy on use of City computer and/or video equipment

- Limited to scheduled/agendized items. During, before, or after public comment, public may distribute hard copies of any document and other records to Council through City Clerk, and those documents and records will be made a part of the record and made available to any member of the public upon request.

Section 6.3q – added language regarding Council resolutions

- City Attorney authority to correct administrative, typographical, or clerical errors for all resolutions – *not explicitly stated in every resolution*;
- Resolutions relating to contract and agreements will include language authorizing City Attorney to make minor revisions to agreements that do not alter compensation or term and to make clerical corrections.

Review Proposed Changes (cont'd.)

Section 8.2 – added language re: Statements of Economic Interest

- Electronic filing for all Form 700 filers is optional until a statement is filed electronically, after which electronic filing is **mandatory**.

Introduce **NEW** Commissioner's Handbook

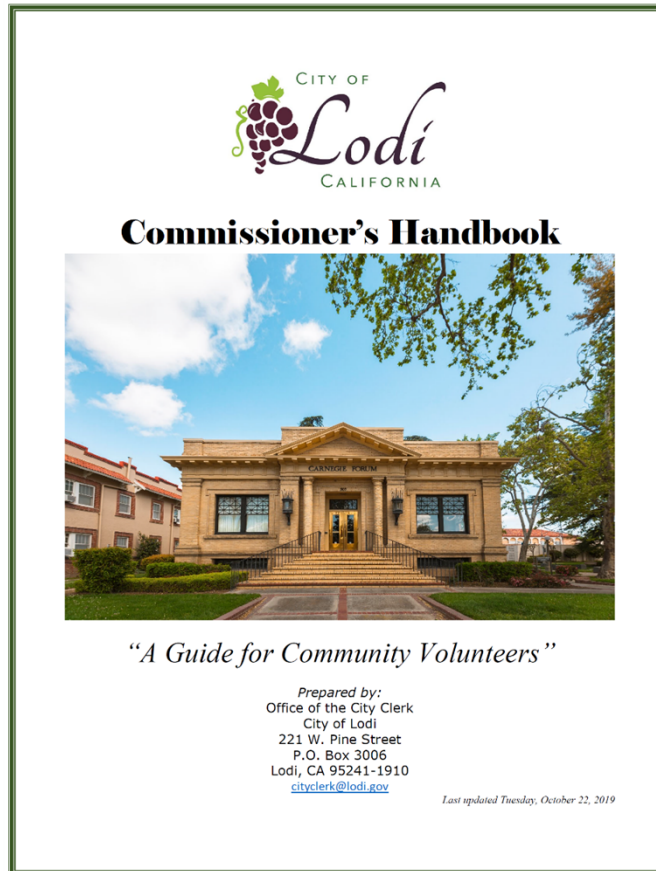
Purpose – to provide:

Information on

- Commissioners' roles, norms, responsibilities, and relationships
- Meeting basics
- Decorum in meetings
- City's mission statement, goals and priorities, org chart, and City stats and historical information

Basic level understanding of

- Ethics and values
- Ethics training
- Rules of debate
- Conflicts of Interest
- Brown Act



Commissioner's Handbook

- Internal document;
- Maintained and updated by City Clerk's Office; and
- Provided to every board and commissioner upon appointment.

Steps Taken, Recommendation, and Next Steps

1. **Reviewed both Manual and Handbook:**
 - Initially reviewed by City Manager and City Attorney,
 - Followed by review of Department Heads and BC liaisons.
2. **Comments and suggestions incorporated**
3. **Seeking feedback from Council**
4. **Council approval in November**
5. **Finalize documents and post on-line**
6. **Implement changes in Manual**

*NOTE: **NEW** Handbook will be forwarded to all sitting commissioners and provided to new commissioners upon appointment.*

Questions?

